

To have no secret place wherein,
To stoop unseen to shame or sin,
To be the same when I'm alone,
And when my every deed is known.

To live undaunted, unafraid,
Of any step that I have made,
To be without pretense or sham,
Exactly what men think I am.

The SPEAKER pro tempore. Without objection, leave is granted to Mr. BYRNS of Tennessee and others who may desire to do so to extend their remarks in the RECORD.

There was no objection.

Mr. BYRNS of Tennessee. Mr. Speaker, our deceased colleague, Hon. JAMES CAMPBELL CANTRILL, of Kentucky, and I entered Congress at the same time, and it is a source of very great gratification to me that we immediately became warm personal friends, a friendship which continued throughout our service here and lasted until the day of his death. Our early attachment was perhaps due in a measure to the fact that we came from neighboring States, whose splendid citizenship, past and present, and whose economic, political, and social history and traditions are peculiarly interwoven in the proud history of our country. Then, too, we had the honor to represent two of the most historic congressional districts of the Nation—the Ashland district of Kentucky and the Hermitage district of Tennessee. The agricultural interests of these two districts are chiefly concerned with the growing of tobacco, different in type but identical in its many problems. We were both deeply interested in doing what we could to serve the interests of the tobacco grower and this great agricultural industry. He was himself a tobacco planter on a large scale and had given years of study and devoted much thought to the tobacco growers' problems, and I was glad to join and cooperate with him in every effort to give relief. These matters of common interest and desire brought us very close together from the beginning, and I had opportunity to study and to know him as he really was.

And to know CAMPBELL CANTRILL intimately was to love him; to admire him for his many sterling qualities of mind and his nobility of soul and to respect his rugged character, his loyalty to his friends; his high-minded purposes of life and his intense devotion to duty as he saw it. CAMPBELL CANTRILL had all these qualities in fullest measure and these elements are necessary as the foundation for a true and lasting friendship.

He was a faithful and able legislator, worthy to represent a district which boasts of so many distinguished sons who have represented it in the past. He was honored and respected by all of his colleagues and held high place in the House, being a member of the important Committee on Rules. He was a man of strong conviction; gentle and retiring in disposition, but when aroused, forceful and aggressive in debate and in the advocacy of those principles and measures in which he believed. He was a two-fisted fighter and never lowered his flag in the face of opposition.

CAMPBELL CANTRILL was intensely proud of his State. He loved her people and gloried in her splendid traditions. His great ambition was to serve as Governor of the Kentucky Commonwealth and, accordingly, at the solicitation and with the support of influential friends all over the State he became a candidate for governor in the Democratic primary of 1923. He had for an opponent one of the very able and popular citizens of Kentucky, but after a spirited and hard-fought campaign he was nominated and would have undoubtedly been elected had he lived. The goal of his ambition was in sight. He was never to reach it. The work of a strenuous campaign was too much for his declining health, and death claimed him within a month after his nomination. God's finger touched him and he slept. His death was mourned throughout the entire State. Thus on the threshold of what was his greatest political ambition in life he was cut down, leaving behind him a record of able, faithful, and useful service in the State legislature and in Congress. There can be no doubt that had he lived he would have made a great Governor of Kentucky.

It is not for us to know, Mr. Speaker, why our friend was cut off in the prime of life and in the very midst of what appeared to be a greater field for usefulness and service. The ways of Providence are as a sealed book to mortal ken. CAMPBELL CANTRILL has lived his life and has gone his way. It may be truly said that life's greatest compensation is the knowledge that it has been one of service. CAMPBELL CANTRILL had this compensation. Soon we will follow in his footsteps and the mysteries of the unknown hereafter will be revealed

to us as it has been to him. And when that time shall come may it be said of us, as it can be of him, that the world is better that we have lived.

Mr. HULL of Tennessee. Mr. Speaker, it affords me a mournful pleasure to offer some feeble words in deserved tribute to a pure patriot, a distinguished statesman, and a warm personal friend—CAMPBELL CANTRILL, late an honored Member of this House from the State of Kentucky.

I observed closely the course of Mr. CANTRILL from the time he became a member of the Kentucky Legislature many years ago. He there revealed himself as a man of outstanding courage, ability, and resourcefulness. While not yet personally acquainted with him, I then predicted that this young man of such demonstrated vision, force, and capacity was destined to write his name high on the roll of distinguished men. That prediction was soon to be fully vindicated.

Mr. CANTRILL had scarcely entered the National House of Representatives when the attention of the leaders was attracted toward him as a coming force and outstanding factor in that great membership. At every stage of his highly honorable and distinguished service Mr. CANTRILL more than justified the fondest expectations of even his most enthusiastic friends and admirers. He early and rapidly took high rank both in the legislative and his national party councils. CAMPBELL CANTRILL, in the breadth of his views, utterances, and actions, was as truly a representative of the Nation as of his own congressional district. This high compliment can truthfully be paid to but few Members of the House. The Constitution was always his guide and the people's rights his aim.

As has too often occurred, CAMPBELL CANTRILL was taken from us in the flower of a vigorous manhood, in the midst of a most useful public service, and when the hand of fortune was beckoning him to higher rank and to fields of broader opportunity for service.

To me it was a rare privilege to have known and served with Mr. CANTRILL and to have earned his friendship. Those who knew him best considered him one of the ablest, best poised, purest, and most courageous men in public life during recent years. His innate modesty concealed many of his finer traits, but his loyalty to principle and to questions of right was known to all. I was proud of him living; and now that he has gone from us, I revere his memory and mourn his untimely death.

ADJOURNMENT

Mr. MORRIS. Out of respect to our late deceased colleague I move, Mr. Speaker, that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 46 minutes p. m.) the House adjourned, pursuant to previous order, until to-morrow, Monday, March 2, 1925, at 10 o'clock a. m.

SENATE

Monday, March 2, 1925

(Legislative day of Thursday, February 26, 1925)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12392) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MADDEN, Mr. ANTHONY, and Mr. BYRNS of Tennessee were appointed managers on the part of the House at the conference.

The message also announced that the House insisted on its amendments to the amendments of the Senate Nos. 27, 30, 34, 38, and 50 to the bill (H. R. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes; that the House further insisted upon its disagreement to the amendment of the Senate No. 37 to the said bill, and agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CRAMTON, Mr. MURPHY, and Mr. CARTER were appointed managers on the part of the House at the further conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes.

The message also announced that the House had passed without amendment the following bills of the Senate:

S. 4210. An act to authorize the building of a bridge across the Congaree River in South Carolina;

S. 4211. An act to authorize the building of a bridge across the Catawba River in South Carolina;

S. 4212. An act to authorize the building of a bridge across the Broad River in South Carolina;

S. 4213. An act to authorize the building of a bridge across the Santee River in South Carolina; and

S. 4214. An act to authorize the building of a bridge across the Savannah River between South Carolina and Georgia.

The message communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of Hon. J. CAMPBELL CANTRILL, late a Member of the House of Representatives from the State of Kentucky.

DEFICIENCY APPROPRIATION

Mr. WARREN. Mr. President, I ask the Chair to lay before the Senate the action of the House on the deficiency appropriation bill.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12392) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes, asking for a conference with the Senate on the disagreeing votes of the two Houses, and appointing conferees on the part of the House.

Mr. WARREN. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, accede to the request for a conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN were appointed conferees on the part of the Senate.

ANNUAL REPORT OF THE FEDERAL RESERVE BOARD

The PRESIDENT pro tempore laid before the Senate a communication from the governor of the Federal Reserve Board, transmitting, for the information of the Senate, a copy of the annual report of the Federal Reserve Board covering operations during the year 1924, etc., which, with the accompanying report, was referred to the Committee on Banking and Currency.

NATIONAL CAPITAL PARK COMMISSION

The PRESIDENT pro tempore, pursuant to the provisions of the act approved June 6, 1924 (Pub. No. 202, 68th Cong.), providing for a comprehensive development of the park and playground system of the National Capital, appointed the Senator from Kansas [Mr. CAPPER] a member of the National Capital Park Commission.

ORDER FOR RECESS

Mr. CURTIS. Mr. President, I desire to submit a unanimous-consent request. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 11 o'clock to-morrow morning.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate communications relative to the action of the Legislature of the State of Connecticut on the so-called proposed child labor amendment to the Constitution, which was referred to the Committee on the Judiciary, as follows:

STATE OF CONNECTICUT,
SECRETARY'S OFFICE,
Hartford, February 26, 1925.

Hon. ALBERT B. CUMMINS,
President of the Senate, Washington, D. C.

DEAR SIR: I have the honor to transmit to you, certified copy of the action taken upon the proposed amendment to the Constitution of

the United States, relative to the employment of minors, and showing that such amendment was rejected by the General Assembly of Connecticut.

Respectfully yours,

FRANCIS A. PALLOTTI,
Secretary.
By ELMER H. LOUNSBURY,
Deputy Secretary.

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, January 27, 1925.

To the honorable General Assembly:

I have the honor to transmit herewith for your consideration a certified copy of the joint resolution of Congress proposing an amendment to the Constitution of the United States which shall give the Congress the power to permit, regulate, and prohibit the labor of persons under 18 years of age.

JOHN H. TRUMBULL, Governor.

No. 502

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I certify that the copy hereto attached is a true copy of a resolution of Congress entitled "Joint resolution proposing an amendment to the Constitution of the United States," the original of which is on file in this department.

In testimony whereof, I, Charles E. Hughes, Secretary of State, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the chief clerk of the said department at the city of Washington, in the District of Columbia, this 27th day of January, 1925.

[SEAL.]

CHARLES E. HUGHES,
Secretary of State.
By E. J. AYERS, Chief Clerk.

Sixty-eighth Congress of the United States of America at the first session, begun and held at the city of Washington on Monday, the 3d day of December, 1923.

Joint resolution proposing an amendment to the Constitution of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE—

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

F. H. GILLET,
Speaker of the House of Representatives.
ALBERT B. CUMMINS,
President pro tempore of the Senate.

I certify that this joint resolution originated in the House of Representatives.

WM. TYLER PAGE, Clerk.

Senate, State of Connecticut. January 27, 1925. Order of the day, February 3, 1925, noon. Rules suspended and transmitted to House.
J. FREDERICK BAKER, Clerk.

Senate, State of Connecticut. January 28, 1925. Refused to reconsider.

J. FREDERICK BAKER, Clerk.

House of Representatives, State of Connecticut. February 11, 1925, rejected.

DANL. F. B. HICKEY, Clerk.
House of Representatives, State of Connecticut, February 3, 1925, tabled. Order of day, February 11, 1925, 12 m. Refused to reconsider.
DANL. F. B. HICKEY, Clerk.

State of Connecticut, Senate. February 3, 1925. Rejected.

J. FREDERICK BAKER, Clerk.

State of Connecticut, Senate. February 3, 1925. Refused to reconsider.

J. FREDERICK BAKER, Clerk.

STATE OF CONNECTICUT,

Office of the Secretary, ss:

I hereby certify that the foregoing is a true copy of record in this office.

In testimony whereof, I have hereunto set my hand and affixed the seal of said State, at Hartford, this 26th day of February, A. D. 1925.

[SEAL.]

FRANCIS A. PALLOTTI,

Secretary.

The PRESIDENT pro tempore also laid before the Senate the following joint memorial of the Legislature of Idaho, which was referred to the Committee on Agriculture and Forestry:

THE STATE OF IDAHO,

DEPARTMENT OF STATE,

Boise, February 25, 1925.

Hon. ALBERT B. CUMMINS,

President of the Senate, Washington, D. C.

SIR: I have the honor to submit herewith a copy of senate joint memorial No. 7, adopted by the Senate and House of Representatives of the Eighteenth Legislative Assembly of the State of Idaho.

Respectfully,

F. A. JETER, *Secretary of State.*

STATE OF IDAHO,

DEPARTMENT OF STATE.

I, F. A. Jeter, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 7, by Hagan and Henderson, adopted by the Eighteenth Session of the Idaho Legislature, which was filed in this office on the 24th day of February, A. D. 1925, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 24th day of February, A. D. 1925, and of the Independence of the United States of America the one hundred and forty-ninth.

[SEAL.]

F. A. JETER, *Secretary of State.*

LEGISLATURE OF THE STATE OF IDAHO,

Eighteenth Session.

In the senate—senate joint memorial No. 7, by Hagan and Henderson To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Senate and the House of Representatives of the State of Idaho, respectfully represent: That—

Whereas the continued prosperity of the United States rests, as it has always rested, on the maintenance of a foreign market for American goods; and

Whereas both domestic prosperity and the continued maintenance of a favorable balance of trade require that the products of American farms, as well as American factories, be not excluded from such foreign markets; and

Whereas the American farmer is forced to sell his products in markets, both domestic and foreign, which are dominated as to price by world factors, as against merely American factors of supply and demand, but is obliged to purchase all his necessities on a highly protected and stabilized domestic market; and

Whereas it has been the avowed policy of all parties and of all statesmen to secure not only maximum agricultural production through scientific methods but to preserve a sturdy and prosperous farm population; and

Whereas in the nature of things the farmer can not either shut down his plant or turn to nonagricultural pursuits on the farm: Therefore be it

Resolved by the Senate of the Eighteenth Session of the Legislature of Idaho (the House of Representatives concurring), That the Congress of the United States be, and the same is, urgently petitioned and requested to enact such legislation as will extend to the farmer, both as a purchaser of goods and as a seller of raw materials, the same basic opportunity as is enjoyed by industry and commerce.

That to attain this end provision be made for the creation of a farmers' export corporation to dispose of the normal surplus of basic farm commodities at the expense of all producers of such crops, in order that the American system be made effective in maintaining an American price for American agricultural products in our domestic markets; be it further

Resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States of America and to the Senators and Representatives in Congress from this State.

This senate joint memorial passed the senate on the 13th day of February, 1925.

H. C. BALDRIDGE,

President of the Senate.

This senate joint memorial passed the house of representatives on the 19th day of February, 1925.

W. D. GILLIS,

Speaker of the House of Representatives.

I hereby certify that the within senate joint memorial No. 7 originated in the senate during the eighteenth session of the Legislature of the State of Idaho.

A. L. FLETCHER,

Secretary of the Senate.

The PRESIDENT pro tempore also laid before the Senate a communication, with an accompanying certificate, from the chief clerk of the House of Representatives, State of South Dakota, relative to the so-called proposed child-labor amendment to the Constitution, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,

HOUSE OF REPRESENTATIVES,

Pierre, February 23, 1925.

The PRESIDENT OF THE SENATE,

Washington, D. C.

DEAR SIR: I am inclosing herewith the certificate relative to the proposed amendment to the Constitution of the United States relating to the vesting of authority in Congress to limit, regulate, and prohibit labor of persons under 18 years of age, which has failed of passage in the Legislature of the State of South Dakota.

Yours truly,

WRIGHT TARBELL, *Chief Clerk.*

Certificate

This is to certify that the proposed amendment to the Constitution of the United States of America relating to the vesting of authority in Congress to limit, regulate, and prohibit labor of persons under 18 years of age, having been duly proposed by joint resolution in the Senate and House of Representatives of the Legislature of the State of South Dakota during its nineteenth legislative session, failed of passage.

Dated at Pierre, S. Dak., this 24th day of February, A. D. 1925.

A. C. FORNEY

President of the Senate.

W. J. MATSON,

Secretary of the Senate.

CHAS. S. McDONALD,

Speaker of the House of Representatives.

WRIGHT TARBELL,

Chief Clerk.

The PRESIDENT pro tempore also laid before the Senate a communication from the Governor of Arizona, transmitting a concurrent memorial of the legislature of that State, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE, STATE HOUSE,

Phoenix, Ariz., February 24, 1925.

Senator ALBERT B. CUMMINS,

President of the Senate, Washington, D. C.

DEAR MR. CUMMINS: Pursuant to the provisions of Senate concurrent memorial No. 2 of the Seventh Legislature, State of Arizona, 1925, regular session, I submit herewith for your consideration a certified copy, "Memorializing the Congress of the United States to enact legislation for the relief of the stock raisers grazing and ranging livestock on the United States National Forest."

Respectfully,

GEO. W. P. HUNT, *Governor.*

STATE OF ARIZONA,

OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA,

State of Arizona, ss:

I, James H. Kerby, secretary of state, do hereby certify that the within is a true and correct copy of Senate Concurrent Memorial No. 2 of the Seventh Legislature, State of Arizona, 1925, regular session, "Memorializing the Congress of the United States of America to enact legislation for the relief of the stock raisers grazing and ranging livestock on the United States National Forest, as follows: For the immediate relief, waive the grazing fees for the season from April 1, 1925, to March 31, 1926, and for more permanent relief pass the Phipps bill No. 2424, now pending before the Senate of the United States," all of which is shown by the original on file in this department.

In witness whereof I have hereunto set my hand and affixed my official seal. Done at Phoenix, the capital, this 19th day of February, A. D. 1925.

[SEAL.]

JAMES H. KERBY,

Secretary of State.

SEVENTH LEGISLATURE, REGULAR SESSION,
STATE OF ARIZONA.

Senate concurrent memorial No. 2 (Introduced by Senator A. H. Favour)

To the Senate and House of Representatives of the United States of America in Congress Assembled:

Your memorialist, the Seventh Legislature of the State of Arizona, in its regular session assembled, respectfully represents that:

The men engaged in the livestock business in Arizona for the past three years have been going through one of the most trying times in the history of the industry, and as a class have been brought to the verge of bankruptcy through deflation, unfavorable economic conditions, and inability to market their output, except at a price less than cost.

That, added to the foregoing, during the year 1924 there has been in the Southwest an unprecedented drought, and this has resulted and will continue to result in a substantial loss to the breeding herds of the stock raisers, with the definite outlook of a very much lessened income for the year 1925 to these stock raisers.

That a large number of stock raisers range their stock on the various forest reserves of the United States in the State of Arizona at a fixed annual rental per head, and these fees are payable to the United States Government at the beginning of the grazing season on April 1 of each year. These grazing fees are a first and paramount charge, and unless paid the stock raisers are put in trespass and forced to remove their herds from the forest reserves.

Your memorialist further represents that during the year 1924 a substantial number of the stock raisers have not been able to pay the forest fees, and where they have been paid, such fees have been paid in most cases with borrowed money. On account of the present financial condition of the livestock industry, even borrowed money is not available for the coming year to meet these forest requirements. The stock raisers of this State must be assisted if they are to continue in their stock-raising industry, and one definite way is to assist those on the forest in the payment of forest fees.

Wherefore your memorialist prays that the Congress of the United States of America enact legislation for the relief of the stock raisers grazing and ranging livestock on the United States National Forest, as follows: For the immediate relief, waive the grazing fees for the season from April 1, 1925, to March 31, 1926, and for more permanent relief pass the Phipps bill No. 2424, now pending before the Senate of the United States.

It is hereby ordered that his excellency, the Governor of the State of Arizona, be requested to transmit a copy of the foregoing to the President of the United States and to each House of Congress and to each of Arizona's Senators and her Representative in Congress.

Passed the senate February 2, 1925.

Passed the house February 10, 1925.

Approved February 17, 1925.

Filed by secretary of state February 17, 1925, at 3.30 o'clock p. m.

The PRESIDENT pro tempore also laid before the Senate a communication from the Governor of the State of Delaware, which was ordered to be printed in the RECORD, as follows:

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover, February 26, 1925.

Hon. ALBERT B. CUMMINS,
President of the United States Senate,

Washington, D. C.

DEAR SIR: I have been advised that there appears in the CONGRESSIONAL RECORD of February 20 a communication from me, transmitting the action of the Delaware House on the proposed twentieth amendment to the Constitution of the United States, that my letter says, however, that the resolution relates "to the eighteenth amendment." I wish to advise you, therefore, that the resolution related to the twentieth amendment, and the reference to the "eighteenth amendment" was a typographical error. I would appreciate it, therefore, if you will change your records accordingly.

Very truly yours,

ROBT. P. ROBINSON, Governor.

The PRESIDENT pro tempore also laid before the Senate a communication from Robert Sterling Yard, executive secretary of the National Parks Association, transmitting a resolution of the American Association for the Advancement of Science, favoring the prompt passage of the so-called public shooting grounds bill, which, with the accompanying resolution, was ordered to lie on the table.

He also laid before the Senate a memorial of sundry citizens of Turtle Creek, Pa., remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

He also laid before the Senate a telegram, in the nature of a memorial, from Bishop Ethelbert Talbot, presiding bishop of the Episcopal Church, and Thomas F. Gailor, president of the

national council, of New York, N. Y., remonstrating against the ratification of the Lausanne treaty with Turkey, which was referred to the Committee on Foreign Relations.

Mr. WARREN presented the following joint memorial of the Legislature of the State of Wyoming, which was referred to the Committee on Agriculture and Forestry:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,

State of Wyoming, ss:

I, F. E. Lucas, secretary of state of the State of Wyoming do hereby certify that the annexed is a full, true, and correct copy of house enrolled joint memorial No. 1, as passed by the Eighteenth State Legislature of the State of Wyoming.

In testimony whereof, I have hereunto set my hand and affixed under the great seal of the State of Wyoming

Done at Cheyenne, the capital, this 27th day of February, A. D. 1925.

[SEAL.]

F. E. LUCAS, Secretary of State.

By H. M. SYMONS, Deputy.

Enrolled joint memorial 1, House of Representatives, Eighteenth Legislature of the State of Wyoming memorializing Congress to hasten the enactment of House bill No. 157, Sixty-eighth Congress, known as the Purnell bill, and giving legislative assent to its provisions

Be it resolved by the House of Representatives of the State of Wyoming (the Senate concurring):

Whereas the farmers and stockmen of Wyoming in common with the whole agricultural interests of a nation have been and are suffering under the adverse conditions affecting these basic industries; and

Whereas in the past the aid of the Federal Government has been chiefly devoted to grants encouraging the study of problems of scientific production of agricultural products and but little attention given to the problems and conditions affecting the economic and sociological factors of agriculture; and

Whereas the Purnell bill will promote research and experimentation in the important problems bearing upon the manufacture, use, distribution, and marketing of agricultural products, and whereas such scientific researches have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry; and

Whereas the Purnell bill has had the careful study and formal approval of the President's agricultural commission and has been passed by the House of Representatives of the United States Congress: Therefore, be it

Resolved, That the Congress of the United States be, and it is hereby, urged to enact House bill No. 157, known as the Purnell bill, providing for the more complete endowment of agricultural experiment stations with special attention to the economic factors affecting agriculture; and be it further

Resolved, That the Legislature of the State of Wyoming hereby gives its assent to the provisions of said Purnell bill, and in the event that said bill becomes a law of the United States, the Legislature of the State of Wyoming hereby assents thereto and to the University of Wyoming, accepting the moneys to be received by it under the provisions of said bill, together with the obligations thereby imposed, and to the acceptance by the university of all other benefits, advantages, and advancements accruing to it under the provisions of said bill; be it further

Resolved, That a copy of this memorial be sent to each of the Members of the congressional delegation of this State in Congress, to the Secretary of Agriculture, and to the President of the United States with the urgent request that they employ their best efforts to secure the immediate enactment of this measure into law.

LEWIS H. BROWN,
President of the Senate.

J. C. UNDERWOOD,
Speaker of the House.

Approved 3.09 p. m., February 25, 1925.

NELLIE TAYLOR ROSS,
Governor.

Mr. WARREN also presented the following joint memorials of the Legislature of the State of Wyoming, which were referred to the Committee on Public Lands and Surveys:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,

State of Wyoming, ss:

I, F. E. Lucas, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of senate enrolled joint memorial No. 2 as passed by the Eighteenth State Legislature of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 27th day of February, A. D. 1925.

[SEAL.]

F. E. LUCAS, Secretary of State.

By H. M. SYMONS, Deputy.

Enrolled joint memorial 2, senate, Eighteenth Legislature of the State of Wyoming

Whereas at a regular meeting of the State board of land commissioners of the State of Wyoming, held on the 5th day of February, A. D. 1925, it was recommended by unanimous vote that the Legislature of the State of Wyoming memorialize the Congress of the United States as follows:

Senate joint memorial

Whereas more than 34 years have elapsed since the date of admission of the State of Wyoming, July 10, 1890, on which date title vested in the State to the land granted for the support of its common schools, if surveyed and not then known to be mineral in character; and

Whereas it appears that the title to every school section within the State is clouded by reason of the fact that at any time any citizen of the United States who desires to acquire title to said school sections, through mineral entry or otherwise, may make application and the United States Land Department will entertain such applications, or bring charges alleging the land to be mineral in character at the time the title to the State was granted; and

Whereas in the interest of fairness and stability of titles and protection of the school revenue of the State and individual citizens who have made lease or purchase from the State, we believe that not more than 15 years from the date of admission of the State, if the land was then surveyed, or 10 years from the date of the approval of the survey, if unsurveyed, should be allowed for inquiry, after the expiration of which the title to the land granted for school purposes should not be open to inquiry, question, or attack on account of their alleged mineral character: Therefore be it

Resolved by the Senate of the State of Wyoming (the House of Representatives concurring), That the Congress of the United States be memorialized to take steps to provide the legislation necessary to remove the cloud from the school sections of the State by limiting the time in which the title to the said school sections shall be open to inquiry, question, or attack; and be it further

Resolved, That a copy of this memorial be sent to Hon. FRANCIS E. WARREN, Hon. JOHN B. KENDRICK, and Hon. CHARLES E. WINTER, representatives in Congress from the State of Wyoming.

LEWIS H. BROWN,
President of the Senate.
J. C. UNDERWOOD,
Speaker of the House.

Approved 3.30 p. m. February 25, 1925.

NELLIE TAYLOR ROSS, Governor.

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,

State of Wyoming, ss:

I, F. E. LUCAS, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of senate enrolled joint memorial No. 3, as passed by the Eighteenth State Legislature of the State of Wyoming.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming. Done at Cheyenne, the capital, this 27th day of February, A. D. 1925.

[SEAL.]

F. E. LUCAS, Secretary of State.
By H. M. SYMONS, Deputy.

Enrolled joint memorial 3, Senate, Eighteenth Legislature of the State of Wyoming, memorializing Congress protesting against the passage of the bill now before the Senate of the United States known as S. 4076, introduced January 26, 1925, providing for the establishment of grazing districts on the public lands of the United States and Alaska and regulating their beneficial use by livestock

Be it resolved by the Senate of the State of Wyoming (the House of Representatives concurring), That the Congress of the United States be memorialized as follows:

It is the solemn judgment of the Legislature of the State of Wyoming that S. 4076, now before the Senate of the United States, providing for the establishment of grazing districts on the public lands in the United States and Alaska and regulating their beneficial use by livestock, should not be enacted into law, and we urgently request that the Congress of the United States do not pass said bill; Be it further

Resolved, That a certified copy of this joint memorial be sent to each of the Members of the congressional delegation of this State in Congress, to the chairman of the committee in Congress to which this measure has been referred, and to the President of the United States, with the urgent request that they employ their best efforts to defeat the enactment of this measure into law.

LEWIS H. BROWN,
President of the Senate.
J. C. UNDERWOOD,
Speaker of the House.

Approved 3.27 p. m., February 25, 1925.

NELLIE TAYLOR ROSS,
Governor.

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, F. E. LUCAS, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of house enrolled joint memorial No. 2, as passed by the Eighteenth State Legislature of the State of Wyoming.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 27th day of February, A. D. 1925.

[SEAL.]

F. E. LUCAS,
Secretary of State.
By H. M. SYMONS, Deputy.

Enrolled joint memorial 2, House of Representatives, Eighteenth Legislature of the State of Wyoming, memorializing the Congress of the United States to set aside Old Fort Laramie and Old Fort Bridger and Independence Rock as historic reserves

Whereas Old Fort Laramie and Old Fort Bridger are historic places of nation-wide importance in the heart of the Rocky Mountain region, situated on the Continental Highway, over which passed the great army of settlers who were attracted by the lure of gold and agricultural possibilities of the far West;

Whereas never in the history of the world has there been a more picturesque, dramatic, and hazardous migration of the sturdy sons and daughters who saved this country to America, this being made possible by the protection afforded by these posts on the far frontier;

Whereas Old Fort Laramie, established in 1834, as a fur-trading post, was purchased by the Federal Government and garrisoned as a military post in 1849, and was used until its abandonment in 1890, and its buildings are now in a state of decay and the ownership is in private hands; and

Whereas this, a most important post in the Rocky Mountain region, was the scene of many Indian conferences and the place of many important treaties; and

Whereas it is situated on the great historic highway known as the Oregon Trail;

Whereas Old Fort Bridger, a rendezvous of the trappers, was first established as a trading post in 1834, by the famous scout, Jim Bridger, and visited in early days by such noted characters as General Ashley, Sublette, Robert Campbell, and Bonneville, and many others; and

Whereas in 1847 it became a resting place for the Latter Day Saints, who were the pioneers in the reclamation of the great West; and

Whereas in 1849 came the great army of gold seekers on their way to California, among them the ill-fated Donner party;

Whereas in 1853 the first settlement of Anglo-Saxon people to engage in agriculture and reclamation work within the borders of Wyoming was at this point;

Whereas in 1857 the army of Gen. Albert Sidney Johnson, guided from Fort Laramie by Jim Bridger, established here a Government military fort, naming it Fort Bridger, in honor of their guide;

Whereas this was a home station for the overland stage line, established in 1859, and the pony express, established in 1860, the only one remaining in good preservation on the entire route; and

Whereas in 1861 this post became an important station in the Overland Telegraph Co.; and

Whereas it is the most important historical point on the Lincoln Highway and in the direct route of the aerial mail; and

Whereas the descendants of the early settlers of this country, in their appreciation and gratitude for the services rendered to the great West in the protection afforded by these noted forts, and in order that these historic places so prominent in western American history may be reestablished, restored, and perpetuated, and be kept for all time in reverent memory of the high ambitions and devoted sacrifices of their forebears.

SECTION 1. *Therefore be it resolved by the House of Representatives of the State of Wyoming and the Senate concurring,* That the Congress of the United States be memorialized to purchase and set aside Old Fort Laramie and Old Fort Bridger as historic reserves, and Independence Rock.

SEC. 2. That copies of this memorial be sent to the congressional delegations from Wyoming, Utah, Nevada, Colorado, Idaho, Oregon, and Washington.

LEWIS H. BROWN,
President of the Senate.
J. C. UNDERWOOD,
Speaker of the House.

Approved 1.20 p. m., February 25, 1925.

NELLIE TAYLOR ROSS, Governor.

Mr. JOHNSON of California presented the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Public Lands and Surveys:

CALIFORNIA LEGISLATURE,
FORTY-SIXTH SESSION.

Assembly joint resolution No. 3. (Introduced by Mr. H. E. Dillinger.)
January 13, 1925

ASSEMBLY CHAMBER, Sacramento, February 2, 1925.

To the honorable President of the Senate of the United States, Speaker of the House of Representatives, and to each Senator and Member of Congress:

In compliance with the provisions of assembly joint resolution 3, adopted by the Legislature of the State of California at the forty-sixth session, I am sending you a true copy thereof, in title and words as follows:

CHAPTER 23

Assembly joint resolution 3 (by Mr. H. E. Dillinger, of the sixteenth district) relative to memorializing Congress to adopt a bill introduced by the Hon. JOHN E. RAKER to provide compensation in lieu of taxes for the several States with respect to certain lands of the United States within the borders of said States, and for other purposes

Whereas Hon. JOHN E. RAKER, Member of Congress of the United States, representing the second district of California therein, has introduced a bill in the House of Representatives, being H. R. 8844, which provides: "That the United States Government hereby assumes, subject to the conditions of this act or any subsequent act of Congress, the payment to the several States of sums of money equivalent to the amounts which such States would receive from the taxation of said lands of the United States within their respective borders if such lands were owned by individuals"; and

Whereas under act of the Congress of the United States approved March 3, 1891, large areas of territory, with the timber and other resources thereon and therein, were "set apart, reserved, and withdrawn from entry" in the States of California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, Arizona, and New Mexico, and in a lesser degree in several of the other States of the Union; and

Whereas the United States Government has withdrawn, set apart and reserved within permanent national forests 18,891,161 acres of land within the State of California, approximating one-fifth of the total land area of the State, said lands being set apart, withdrawn from entry, and reserved for the purpose of conserving the resources thereof, and particularly the standing timber thereon, for the benefit of future generations of mankind; and

Whereas the lands of the United States above referred to, comprising in several of the counties to upward of one-half of the area within the borders of the counties, and, although exempt from annual taxation, are being put to commercial and industrial uses for the benefit of all of the people of the United States, which fact places these lands on the same basis as to use as privately owned lands used for the same purpose, and said lands of the United States are in competition with said privately owned lands, and the setting aside, reserving, and withdrawing from entry of these large areas of territory in the sparsely settled forest counties and on which the United States pays no taxes results in throwing a heavy tax burden on privately owned property in the same political subdivision of Government, thus making the financing of local government a difficult problem indeed; and

Whereas this area is not and can not be taxed by any of the 39 counties of California wherein this vast domain is situated, although each of said counties are required to and do perform therein and thereon all necessary and requisite police powers, equip, maintain, and operate schools; equip, maintain, and operate courts for the punishment of offenders against the forest and other laws; construct, repair, and maintain trails, roads, and bridges and to do and perform such other acts, duties, and powers as may be necessary to the enjoyment of such forests by the people of the United States as well as of other nations; and

Whereas when State government was instituted and the several States admitted into the Union they were divided into counties, and townships and each of the States, counties, and townships were guaranteed the full right of enjoyment of all of the territory and resources within their respective borders and the declared policy of the United States Government being to dispose of all of the public domain and article 10 of the Declaration of Rights which formed the basis for the Union of the States provides that "No State shall be deprived of territory for the benefit of the United States." In setting apart, reserving, and withdrawing from entry 19,000,000 acres of land for national forest purposes within the boundaries of a single State surely

territory has been taken from that State for the benefit of the United States; and

Whereas the following clause is contained in the enabling act of every State admitted into the Union, beginning with Ohio in 1803: "The State when admitted shall be on a basis of equality with the original States in all respects whatever." Therefore all political subdivisions of government should be on a basis of equality, which makes it necessary for all to contribute on a basis of equality to the solution of all problems of national necessity (and we deem the national forests to be national necessities), and if in so doing it becomes necessary to take territory and resources from some of the subdivisions of government, and "set apart, reserve, or withdraw" the same from entry for the benefit of all of the others, then those benefited should join in reimbursing the subdivisions of government from which the territory and resources were taken, otherwise there can be no basis of equality; and

Whereas the Congress of the United States has enacted legislation known as the "exchange bills" under the provisions of which said law private owners are enabled to exchange cut-over lands for standing timber on the lands of the United States, and since said law has become operative private owners have availed themselves of the right granted to them under said law and have conveyed hundreds of thousands of acres of such lands to the United States and have received in exchange hundreds of millions of feet of standing virgin timber from the United States, and as a result of the operation of such legislation counties in which such exchange have been made or in which such exchanges may hereafter be made have had or will have taken from them and removed from the assessment rolls of such counties many thousands of dollars in assessed valuation, and in addition to this loss of assessed valuation such counties are losing the percentage which they would receive were a sale made instead of an exchange, and as Colonel Greeley, Chief Forester of the United States, has said of this law: "The forest counties lose both going and coming"; and

Whereas the Congress of the United States has enacted the so-called Clark-McNary law, and under the provisions of section 7 of said law private owners are enabled to donate or devise to the United States lands chiefly valuable for the growing of forests, the private owner reserving the timber, mineral, grazing, and other rights, and when so conveyed become a part of the national forest reserve and not open to entry or taxation, and should timber owners in some of the counties in several of the Western States exercise their just right under this law and convey their said lands to the United States, thus taking from the assessment rolls of the counties the immense valuation involved and the right of taxation, it will result in putting many of the forest counties of the West out of business, such counties will be unable to raise sufficient revenue to maintain county government, and if such counties are annexed to a nonforest county in the same State the county to which it is annexed will receive not an asset but a liability; and

Whereas it is only just and right that a heavy burden of local taxation should not be placed annually on the people of any State in which and by reason of the fact that extensive areas of territory having great natural resources, guaranteed to them in the beginning and later legislated from them, set apart, reserved, and withdrawn from entry for the economic use and benefit of all of the people of the United States, and we believe that if the Government of the United States can not afford to finance its national forests, then in right and justice it should not expect the sparsely settled forest counties to do so for it: Now therefore be it

Resolved by the Assembly and Senate, jointly, That the Legislature of the State of California approves of the purpose of the Raker bill, referred to, and respectfully requests its support and adoption by the Congress of the United States at the earliest possible date; and be it further

Resolved, That any moneys to be paid to the State of California by the United States under the provisions of the Raker bill, or any similar bill, or any law enacted by the Congress of the United States based on forest values of the forest counties of California, shall be divided among said forest counties in proportion to the forest values fixed by the United States Bureau of Public Roads: *Provided,* That by the term "forest counties" is meant those counties of California a part of which are in the present national forests: *And provided further,* That any portion of the timber sale, grazing, or other receipts of national forests returned by the Federal Government to the State of California are excepted herefrom; and be it further

Resolved, That the chief clerk of the Assembly of the State of California be authorized and directed to transmit copies of this resolution by mail to the Governors of the States of Oregon, Washington, Idaho, Montana, Wyoming, Utah, Nevada, Colorado, New Mexico, and Arizona with the request that similar action be taken by their respective legislatures; and be it further

Resolved, That the chief clerk of the Assembly of the State of California be authorized and directed to transmit copies of this resolution by mail to all of the Members of the Congress and Senate of the United States.

FRANK F. MERRIAM,
Speaker of the Assembly.
C. C. YOUNG,
President of the Senate.
JOSEPH VICKERS,
Private Secretary to the Governor.
FRANK C. JORDAN,
Secretary of State.

And do hereby certify that the same was duly filed with the secretary of state on January 27, 1925.

ARTHUR A. OHNEMUS,
Chief Clerk of the Assembly.

Mr. SIMMONS presented the following concurrent resolution of the Legislature of North Carolina, which was referred to the Committee on Military Affairs:

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE.

Resolution 31 calling attention of Congress to the significance of the Battle of Moores Creek Bridge in the war of the American Revolution, and requesting that Moores Creek battle ground be erected and maintained by the Federal Government as a national park

Whereas on February 27, 1776, at Moores Creek Bridge in North Carolina, 1,000 patriots, under the command of Col. Alexander Lillington, put to flight 1,600 Tories, under the command of Col. Donald McLeod, and thereby saved North Carolina to the cause of American independence; showed that North Carolina was able to hold in check the Tories within her borders; won over to the cause of freedom many who had hitherto held back for fear of England's power; and so thoroughly broke the spirit of the Highlanders that they never again rallied in North Carolina to the support of the royal cause; and

Whereas the troops engaged in this battle under the patriot supreme commander, Col. James Moore, and the royal supreme commander, Gen. Donald McDonald, were engaged in the first set military campaign of the War of the Revolution and the patriots here won the first pitched battle fought against royal troops in this war: Now, therefore, be it

Resolved by the senate (the house of representatives concurring):

1. That Moores Creek battle ground in Pender County, N. C., ought to be erected into a national park and so maintained by the Federal Government.

2. That a copy of this resolution be forwarded to each Senator and Member of the House of Representatives in Congress from this State, with the request that they seek by appropriate legislation to erect and maintain Moores Creek Battle Ground as a national park.

In the general assembly, read three times and ratified, this 27th day of February, 1925.

J. ELMER LONG,
President of the Senate.
EDGAR W. PHARR,

Speaker of the House of Representatives.

Examined and found correct.

J. M. SHARP,
For Committee.

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE.

I, W. N. EVERETT, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (three (3) sheets) to be a true copy from the records of this office.

In witness whereof, I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh, this 27th day of February, in the year of our Lord 1925.

W. N. EVERETT,
Secretary of State.

Mr. REED of Pennsylvania presented the following concurrent resolution of the Legislature of Pennsylvania, which was referred to the Committee on Finance:

Resolution 9
IN THE HOUSE OF REPRESENTATIVES,
COMMONWEALTH OF PENNSYLVANIA,
February 16, 1925.

Whereas the Commonwealth of Pennsylvania in 1826 inaugurated the practice of providing needed revenue for the State by taxation of inheritance; and

Whereas this practice has been followed by the vast majority of the States of the Union so that inheritance taxes have become a necessary and important feature of the fiscal system of the States; and

Whereas the Federal Government in the past has only entered the field of the inheritance taxation in war time as an emergency measure; and

Whereas the recently increased rates of the Federal estate tax will materially affect State revenues in the future even more seriously than they have in the past; and

Whereas the increasing financial burden upon State governments make it necessary to conserve every logical source of revenue: Therefore (if the senate concur) be it

Resolved, That in the judgment of the General Assembly taxes on the transfer of property by inheritance should be reserved to the State government, and that the Federal Government should now withdraw from this field and leave to the States exclusively this much-needed source of revenue.

Resolved, That a copy of this resolution be sent to the Senators and Representatives from Pennsylvania in the Congress of the United States.

THOMAS H. GARVIN,
Chief Clerk of the House of Representatives.
W. P. GALLAGHER,
Chief Clerk of the Senate.

Approved the 25th day of February, A. D. 1925.

GIFFORD PINCHOT.

The foregoing is a true and correct copy of resolution of the General Assembly No. 9.

CLYDE L. KING,
Secretary of the Commonwealth.

Mr. ASHURST presented a concurrent memorial adopted by the Legislature of the State of Arizona, praying for the passage of legislation for the relief of stockraisers grazing and ranging livestock on the United States national forest, etc., which was referred to the Committee on Agriculture and Forestry. (See duplicate resolution when presented to-day by the President pro tempore and printed in full in the RECORD.)

Mr. FESS presented a resolution adopted by the Tuscarawas County Fish and Game Association, of New Philadelphia, Ohio, a chapter of the Izaak Walton League of America, protesting against the proposed diversion of the waters of Lake Michigan for sanitary purposes of the city of Chicago in such manner as to contaminate the waters of the Illinois River, etc., which was referred to the Committee on Commerce.

Mr. JONES of Washington presented memorials of sundry citizens in the State of Washington, remonstrating against the passage of legislation providing for Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. SHORTRIDGE presented resolutions adopted by Roosevelt Camp, No. 9, Department of California, United Spanish War Veterans, of Los Angeles, Calif., favoring the passage of legislation creating a separate aviation department in the Federal Government and the appropriation of funds necessary for that purpose, which were referred to the Committee on Military Affairs.

He also presented memorials numerously signed by sundry citizens of Glendale, Long Beach, Maywood, Monrovia, National City, Rivera, Sawtelle and vicinity, and San Diego, all in the State of California, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

Mr. METCALF presented a memorial of sundry citizens of Providence, R. I., remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4185) to authorize the Secretary of the Interior to conduct investigations and tests to locate underground supplies of water for agricultural purposes in the State of New Mexico, reported it with amendments and submitted a report (No. 1257) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the joint resolution (H. J. Res. 226) for the relief of special disbursing agents of the Alaskan Engineering Commission, authorizing the payment of certain claims, and for other purposes affecting the management of the Alaska Railroad,

reported it without amendment and submitted a report (No. 1258) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 12156) extending the time for repayment of the revolving fund for the benefit of the Crow Indians, reported it with an amendment and submitted a report (No. 1259) thereon.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4366) authorizing and directing the Secretary of the Treasury to immediately reconvey to Charles Murray, sr., of De Funiak Springs, Fla., the title to that certain lot conveyed to the Federal Government by deed dated January 9, 1917, reported it without amendment and submitted a report (No. 1260) thereon.

Mr. SPENCER, from the Committee on the Judiciary, to which was referred the bill (H. R. 4507) to amend an act for the appointment of an additional circuit court judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes, approved September 14, 1922, reported it without amendment.

Mr. REED of Pennsylvania, from the Committee on Finance, to which was referred the bill (H. R. 12308) to amend the World War veterans' act, 1924, reported it with amendments.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on February 28, 1925, that committee presented to the President of the United States the following enrolled bills and joint resolution:

- S. 827. An act for the relief of Jessie M. White;
- S. 1237. An act for the relief of settlers and claimants to section 16, lands in the L'Anse and Vieux Desert Indian Reservation, in Michigan, and for other purposes;
- S. 1323. An act for the relief of Eugene K. Stoudemire;
- S. 1573. An act for the relief of Samuel S. Weaver;
- S. 1725. An act for the relief of Rubie M. Mosley;
- S. 2100. An act authorizing the sale of the United States Veterans' Bureau hospital at Corpus Christi, Tex.;
- S. 2399. An act to provide and adjust penalties for violation of the navigation laws, and for other purposes;
- S. 2503. An act for the relief of W. H. King;
- S. 2527. An act for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army;
- S. 2534. An act for the relief of J. E. Saucier;
- S. 2745. An act to authorize the Secretary of War to convey to the States in which located Government owned or controlled approach roads to national cemeteries and national military parks, and for other purposes;
- S. 2865. An act to define the status of retired officers of the Regular Army who have been detailed as professors and assistant professors of military science and tactics at educational institutions, and for other purposes;
- S. 2879. An act for the relief of James E. Jenkins;
- S. 3666. An act for the exchange of lands in the Custer National Forest, Mont.;
- S. 3824. An act to provide for the appointment of a leader of the Army Band;
- S. 3899. An act to create a Library of Congress Trust Fund Board, and for other purposes;
- S. 3977. An act to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service;
- S. 4015. An act to authorize the Secretary of the Interior to sell to the city of Los Angeles certain lands in California heretofore purchased by the Government for the relief of homeless Indians;
- S. 4087. An act to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.";
- S. 4178. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Hudson River between the States of New York and New Jersey;
- S. 4179. An act to authorize the Port of New York Authority to construct, maintain, and operate bridges across the Arthur Kill between the States of New York and New Jersey;
- S. 4203. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Kill Van Kull between the States of New York and New Jersey;
- S. 4230. An act to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American Centennial;
- S. 4325. An act authorizing the construction, maintenance, and operation of a bridge across the St. Louis River between the cities of Superior, Wis., and Duluth, Minn.; and

S. J. Res. 163. Joint resolution to accept donations of furniture and furnishings for use in the White House.

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 12348) to create a Federal Cooperative Marketing Board, to provide for the registration of cooperative marketing, clearing house, and terminal market organizations, and for other purposes, reported it with an amendment.

INCIDENTAL FUNERAL EXPENSES OF THE LATE SENATOR M'CORMICK

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 346, submitted by Mr. McKINLEY on the 26th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President pro tempore in arranging for and attending the funeral of the Hon. MEDILL M'CORMICK, late a Senator from the State of Illinois, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

REPORT OF COMMITTEE ON FOREIGN RELATIONS

Mr. BORAH. I ask unanimous consent, as in executive session, to report from the Committee on Foreign Relations nominations of officers in the consular service for promotion.

The PRESIDENT pro tempore. The report will be received.

JUDGE GEORGE W. ENGLISH

Mr. REED of Missouri. Mr. President, I ask unanimous consent to submit a report from the Committee on the Judiciary. I report back favorably without amendment from that committee the joint resolution (H. J. Res. 347) providing for an investigation of the official conduct of George W. English, district judge for the eastern district of Illinois, and I submit a report (No. 1255) thereon. I ask unanimous consent for the present consideration of the joint resolution. I will state in connection with the request what the joint resolution is.

The House of Representatives have under consideration the investigation of charges against George W. English, United States judge for the eastern district of Illinois. They have reached the conclusion, because the House will not be organized, that the committee could not sit during the recess without the authority of a joint resolution. They are merely asking the Senate to concur in the joint resolution in order that the committee of the House may proceed with the business during the recess. That is all that is covered by the joint resolution. It has been before the Senate Committee on the Judiciary this morning and is reported unanimously.

Mr. BORAH. Does the joint resolution impose any duty upon the Senate in the investigation?

Mr. REED of Missouri. Not at all; we simply give to the House the authority the House asks for itself.

Mr. NORRIS. It is merely giving the consent of the Senate and the President?

Mr. REED of Missouri. That is the effect of it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. KING. May I inquire of the Senator whether it looks to the formulation of impeachment articles?

Mr. REED of Missouri. It looks to nothing except that the House committee is given an opportunity to proceed, and when it does proceed, if it thinks that it ought to bring in a report to the House of that character or one of vindication, the committee of course will do so. It will do as it pleases. We are simply aiding the House to proceed with the business of the House.

Mr. BORAH. Let the joint resolution be read.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The Chief Clerk read the joint resolution, as follows:

Whereas certain charges against George W. English, United States district judge for the eastern district of Illinois, have been transmitted by the Speaker of the House of Representatives to the Judiciary Committee: Be it

Resolved, etc., That WILLIAM D. BOIES, CHARLES A. CHRISTOPHERSON, IRA G. HERSEY, EARL C. MICHENER, HATTON W. SUMNERS, JOHN N. TILLMAN, and ROYAL H. WELLES, being a subcommittee of the Committee on the Judiciary of the House of Representatives, be, and they hereby are, authorized and directed to inquire into the official conduct of George W. English, United States district judge for the eastern district of Illinois, and to report to the House whether in their opinion the said George W. English has been guilty of any acts which in contemplation of the Constitution are high crimes or misdemeanors requiring the interposition of the constitutional powers of the House;

and that the said special committee have power to hold meetings in the city of Washington, D. C., and elsewhere and to send for persons and papers, to administer the customary oaths to witnesses, all process to be signed by the Clerk of the House of Representatives under its seal, and be served by the Sergeant at Arms of the House or his special messenger; to sit during the sessions of the House and until adjournment sine die of the Sixty-eighth Congress, and thereafter until said inquiry is completed, and report to the Sixty-ninth Congress.

Sec. 2. That said special committee be, and the same is hereby, authorized to employ such stenographic and clerical assistance as they may deem necessary, and all expenses incurred by said special committee, including the expenses of such committee when sitting in or outside of the District of Columbia, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman of said committee: *Provided, however,* That the total expenditures authorized by this resolution shall not exceed the sum of \$5,000.

Mr. NORRIS. May I ask the Senator from Missouri a question?

Mr. REED of Missouri. Certainly.

Mr. NORRIS. As I caught the reading of the joint resolution, the committee is to report to Congress. It seems to me it ought to report to the House of Representatives.

Mr. REED of Missouri. I hope there will be no amendment offered.

Mr. NORRIS. I would not like to amend it at this stage.

The PRESIDENT pro tempore. The committee that is authorized under the joint resolution is required to "report to the House whether in their opinion the said George W. English has been guilty," and so forth. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in the Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of California:

A bill (S. 4401) granting a pension to Emma R. Morrison; and

A bill (S. 4402) granting an increase of pension to Harriet C. Rogers; to the Committee on Pensions.

By Mr. MCLEAN:

A bill (S. 4403) granting a pension to Julia C. Nickerson (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 4404) granting an increase of pension to Julia C. Payne; to the Committee on Pensions.

By Mr. LADD (by request):

A bill (S. 4405) to abolish the Sullys Hill Park, in the State of North Dakota, and to provide for the administration of the area heretofore known by that name as a national game preserve; to the Committee on Public Lands and Surveys.

ADDRESSES AT FUNERAL SERVICES OF THE LATE SENATOR M'CORMICK

Mr. MCKINLEY. Mr. President, at the funeral services in Washington conducted for my late colleague, Senator M'CORMICK, addresses were delivered by the Senator from Missouri [Mr. REED] and the Senator from Pennsylvania [Mr. PEPPER]. I ask that their addresses be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The addresses are as follows:

FUNERAL SERVICES FOR HON. MEDILL M'CORMICK, LATE A SENATOR OF THE UNITED STATES FROM THE STATE OF ILLINOIS, HELD AT NO. 15 DUPONT CIRCLE NW., WASHINGTON, D. C., THURSDAY, FEBRUARY 26, 1925, AT 11 O'CLOCK A. M.

Opening and closing prayers of the service by the Rev. J. J. Muir, Chaplain of the United States Senate.

Speakers: Senators JAMES A. REED, of Missouri, and GEORGE WHARTON PEPPER, of Pennsylvania.

Reverend Doctor MUIR. We have gathered here this morning under singularly distressing circumstances, and in the midst of a great bereavement we turn our thoughts to the God of comfort. Let us pray.

OPENING PRAYER

Our Father and our God. Thou dost give unto us life. Thou dost open to us so many opportunities for service. We know not what Thy plans are for us excepting for our good. And when sorrows darken our pathway, and griefs tear upon the soul, we turn unto Thee, O God,

seeking the ministries of Thine own infinite consolations, and ask from Thee at this very hour that hearts may be quieted and in the stillness of the soul there may be heard Thine own voice of comfort, of hope, of large outlook.

We come with sorrowing hearts unto Thee. But we would bear before Thee especially those directly associated with the deceased, whose cry this morning is so bitter, and under the crushing circumstances they must have Thy presence or all will be sad indeed.

Look in mercy upon the aged mother, and, as Thou hast said, "As one whom his mother comforteth so will I comfort thee." Grant the infinite consolations, therefore, of a mother's tenderness to her who amid the shadowed conditions of advancing years feels so keenly this blow. Father, be with her and gently, gently keep her, that she may be stayed upon Thee.

Minister, we beseech of Thee, to the widow, and as Thou hast said Thou wouldst be the widow's God, grant that it may be so under the circumstances of this sudden bereavement. May she find that Thy word is really true, for Thou hast said, "Thy Maker is thy husband."

And the children, we would ask Thee, Father, to throw about them the gentleness of a father's care. Minister to each one of them, as to all of the members of the household, and of this kin.

We pray above all things there may be granted unto each such consolations that they may look out upon life with higher purposes, with nobler endeavors.

We pray for those here representing so many high responsibilities in connection with the Nation, those related to the deceased in the varied forms of duty; we pray for each that there may come to all of us the sense that in the midst of these conditions our lives are in Thy hand, and that according to the purposes of Thy love it is granted unto us to walk humbly with our God, to do the thing which will enable us to acknowledge Thee in all Thy ways.

And so lead us, Father, take us each by the hand to-day, and while we wonder at Thy providences may we be still and know that Thou art God.

Forgive our shortcomings. Lead us into the paths of truth, of righteousness, and of hope, and bless us in this service, we ask in the name of Jesus Christ, our Lord. Amen.

ADDRESS BY SENATOR REED OF MISSOURI

Reverend Doctor MUIR. According to the arrangements that have been made, two Senators will deliver addresses. Senator REED of Missouri will be the first speaker.

Senator REED of Missouri. As one of the colleagues of Senator M'Cormick, I have been asked to say a word to-day. All must realize that at a time like this silence alone is golden. For such is the poverty of language, it is incapable of expressing the grief that rends the heart.

Perhaps I may suggest one thought. All races of men have crowned and glorified the brave. The monuments that rear the loftiest capitals commemorate the heroes who adventured wounds and death to establish or defend a nation's rights. For them the poet's songs have long been sung and every tongue been ravished of its eloquence. The painter's brush has pictured their heroic acts, the artist's chisel has enshrined their deeds in marbles that depict the passions they endured. For those who on war's crimson field have, amidst comrades, held their steadfast place, or more sublimely in the solitude of the bleak skies contended single-handed with the foe and did not waver in their loyal tasks—for all of these I, too, would wreath the fame's laurel crown, nor shall a word or act of mine take from their brows a single leaf of affection has bestowed.

But is there not a valor rarer than that which nerves the soldier's arm and turns his heart to steel and makes him with unwavering eye look in the face of death? Is not the moral courage to endure dishonor for the tongueless, voiceless, impalpable thing we call principle supreme, incomparable, and rarest valor? To all the living death must sometime come. Even at our birth his shaft is poised, and though the flight be long, it soon or late infallibly will strike the mark. The hero well may find contentment in the thought that he advances but by a little while the inevitable stroke. And so, with honor's voice for his mead in life and requiem in death, he dares to meet his fate.

Not so the soldier who on the bloodless fields of thought endures the calumny of enemies, the criticism of friends, the scorn of the great multitude, that he may serve his country. The dramatist has seized upon the thought and placed in graphic contrast the physical and moral tests. He portrays a man who scorns the agonies of death and meets them with unflinching nerve but who is stricken to desperation by the scorn of those who falsely think he has betrayed the flag for which he nobly gives his life.

To stand before your people and endure while the name of "traitor" may be hissed into your ear, to stand and know that friends are leaving you, that doubt of your fidelity and manhood has been raised, and yet to stand—that is the sublimest attribute of which the human soul is capable.

As I recall the past, I recall how this man who now lies cold and voiceless, had his mettle tried. I would not on any account intro-

duce here the false note of a controversial matter, further than to say there was a time when our great Nation, its heart torn by the atrocities and horrors of a mighty war, turned its eyes longingly to a peace it hoped might last forever. An alluring and enchanting plan had been advanced, in form of a world agreement that, its advocates hoped, would end for all time wars upon the earth. The proposal involved a revolution in our Nation's ancient policies. I do not here discuss the merits or demerits of the case upon which the best of minds have differed, and will long continue in divergence.

But when that plan was broached, war-weary people at first gave it heartiest welcome. All the tongues of men cried loudly in unstinted praise. As such a time it did require exalted courage to stand within the breach and dare assert that a mistake was being made. It meant for this brave man, whose heart is still to-day, the chance of losing friends, and honor, and good name.

But in that contest how bravely he stood forth! How unflinchingly he contended! With his eye fixed upon his country's flag, and following the star which he, at least, believed to be shining in duty's skies, he remained as firm and as heroic as ever did a soldier on war's crimson field, as ever did a martyr at the blazing stake. It was the proof—I do not say of the correctness of his view; I do not raise that point—it was proof of the mettle of the man.

And in the other struggles and conflicts of life with equal fortitude he held his steady course. So always treading honor's straight, unvarying path he came to this untimely end. For him we need not weep. He lies in the embraces of a painless, dreamless sleep. But for the country we express our most profound regret; and for his family and friends our tears of sympathy and grief.

ADDRESS BY SENATOR PEPPER

Reverend Doctor MUIR, Senator PEPPER.

Senator PEPPER, of Pennsylvania. I wish that it were not necessary to efface by anything I shall say the beautiful and well-deserved tribute which has been so feelingly spoken by Senator REED.

When a dear friend is called away we are at first stunned, and then lonely. We soon begin to remind ourselves of the characteristics which in life compelled our affection. In this way we keep our friend amongst us for companionship and for inspiration. It is by this device that we wrest from death the spoils of victory, while the man's true self, his own unconquerable soul, goes triumphantly onward to its natural place in the spiritual world.

It is easy for us to keep MEDILL McCORMICK with us in this fashion, because he had that about him which compelled affection; and, after all, love is the atmosphere in which memory flourishes most abundantly.

It is easy for us to think of him in relation to his family life, to his public service, to his wide and ever-widening circle of friends.

Of his domestic life I speak with that reserve which all right-minded people feel when they are in the presence of things sacred. As I speak these words there is unfolded to those here to-day a picture both touching and beautiful. It is the vision of a companionship in the domestic sphere that was at once tender and stimulating, and of a family circle in respect of which MEDILL McCORMICK rightly counted himself one of the most fortunate of men. This is for us, his intimates. Others will make no protest if on this point I say nothing more.

There are always the two groups, the inner group that really care and the larger group that merely stare. It was said on a great occasion to an inner group, "To you it is given to know the mysteries of the Kingdom of God, but to others in parables, lest seeing, they prove incapable of perceiving, and hearing, incapable of understanding."

Of his public life it may be truly said both of his service before he came into the Senate and since that MEDILL McCORMICK had many of those qualities which are the finest that a public man can have. He was honest, he was fearless, he was well informed, he was tenacious of his purpose. His honesty was not merely of the moral sort. He was intellectually honest. He could deceive neither himself nor any other man; and, incidentally, it was a shrewd man who could deceive him. He always acted on principle as he apprehended it, and therefore he cared little whether his cause was popular or unpopular.

He not merely stood for what he believed to be right, but he moved forward, often impetuously, in the pursuit of his objective. He was a hard, two-fisted fighter, and anybody who encountered him in committee or in campaign or on the floor of the Senate was apt to come away with scars of battle.

He had made the most of unusual educational opportunities. He was of culture and of wide reading. He had an unusual acquaintance with public men in all parts of the world and a grasp of world affairs that was as admirable as it is unusual.

But, of course, it is of MEDILL McCORMICK as a friend that we most like to think to-day, because only yesterday he was with us in the flesh, and to-day our souls are knit to his, and through a longer or a shorter to-morrow we shall be waiting to rejoin him.

He had in him the qualities that compel friendship. And among his friends he was known for two, above all others, loyalty and loveliness. Loyal—no one ever knew him to go back on a friend. Lov-

able—he endeared himself without effort and unconsciously to all sorts of people. He was of no particular age. Those of my generation and of my children's generation thought of him alike as their contemporary.

His fine taste, his fine sense of honor, and his sense of humor made him the most delightful and stimulating of companions. And what the Senate loses in the person of so able and useful a Senator, we lose, except to the extent that we keep him with us by an effort of memory, the companionship of a dear and well-beloved friend. There are three stages of our life, are there not? There is the first stage, before birth, which is all sleeping. There is the stage between birth and the thing that we call death, which is half sleeping and half waking. And beyond death, which is birth to the third stage, is a life that is all waking. And into that stage MEDILL McCORMICK has passed; and if we miss him here we can find comfort in the sure confidence that he is welcome there.

It is not known to many of what deep religious conviction this man was, and how firm a believer in personal immortality. It is a chance, perhaps, and to me a happy chance, that only the other day, speaking of his little-known habit of not merely reading but studying the English Bible, he mentioned to me the fifteenth chapter of First Corinthians, and expressed the judgment that it was the finest thing in English literature. I know perfectly well that on an occasion like this, if he could speak, he would express a preference that one should read that chapter rather than that any words of mine should strike a note the least discordant in the minds of those that hear me. I can almost hear the interest and conviction with which he referred to the place in which the Great Apostle says:

"But some man will say, How are the dead raised up, and with what body do they come?"

"Thou fool, that which thou sowest is not quickened, except it die;

"And that which thou sowest, thou sowest not that body that shall be, but bare grain, it may chance of wheat, or of some other grain;

"But God giveth it a body as it hath pleased Him, and to every seed his own body.

"All flesh is not the same flesh; but there is one kind of flesh of men, another flesh of beasts, another of fishes, and another of birds.

"There are also celestial bodies, and bodies terrestrial; but the glory of the celestial is one, and the glory of the terrestrial is another.

"There is one glory of the sun, and another glory of the moon, and another glory of the stars; for one star differeth from another star in glory.

"So also is the resurrection of the dead. It is sown in corruption; it is raised in incorruption.

"It is sown in dishonor; it is raised in glory; it is sown in weakness; it is raised in power:

"It is sown a natural body; it is raised a spiritual body."

I can hear MEDILL McCORMICK commenting on that chapter, not as one reads it in perfunctory fashion in a burial service but with the love of an appreciative student and a man who knew what he read. I can not do better than leave him in your memory with the echoing words of this great chapter as he would have read them to us if he had had the chance:

"Behold, I shew you a mystery; we shall not all sleep, but we shall all be changed.

"In a moment, in the twinkling of an eye, at the last trump, for the trumpet shall sound, and the dead shall be raised incorruptible, and we shall be changed.

"For this corruptible must put on incorruption, and this mortal must put on immortality.

"So when this corruptible shall have put on incorruption, and this mortal shall have put on immortality, then shall be brought to pass the saying that is written, Death is swallowed up in victory."

CLOSING PRAYER BY REV. DR. J. J. MUIR

Our Father, we turn from these scenes. We bless Thee for these words of cheer, of hope. We bless Thee for the triumphs of Thy grace.

And as we are about to separate and turn our attention to the great things that will place the demands of duty upon us, may we find that we are serving Thee in whatever capacity may be the line of our obligations.

Remember those who go upon the journey to-day. Grant unto each, we beseech of Thee, especially to the family, Thine own care. May they reach their destination with the consciousness that they are only going to put away the earthly tabernacle, and that absence from the body means presence with the Lord. We beseech of Thee to be with them.

Accept our thanks for the tributes made to-day. And we beseech of Thee to be with us in those great responsibilities of public ministrations. While fellowships may be broken, may the memories of friendships remain.

Deepen our sense of obligation to blaze before us pathways of duty, and ever lead us onward till for each of us the day is done, and that

for each of us may it be said, "Death has lost its sting, and the grave its victory."

Hear us and be with us now and always, loving our country, doing our best to honor its interests and promote its welfare.

And may the grace of our Lord Jesus Christ, the love of God our Father, and the comfort of the Holy Spirit be with us. Amen.

TO THE MASTERS OF SECRET DIPLOMACY GUILTY OF INITIATING THE WORLD WAR

Mr. OWEN. I ask unanimous consent to have printed in the RECORD an apostrophe to the masters of secret diplomacy who initiated the World War by that great champion of truth, E. D. Morel.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The article is as follows:

(By E. D. Morel, 1924)

Ten years ago you led your peoples to the shambles. With cunning tools, through devious paths, in secret conclave, by plot and counterplot, outmatching your rivals in astuteness, you had long prepared, equally with them, the way of death for multitudes. You prated to them of liberty, justice, progress, security, and peace. You bled them slaughter in the name of God, claiming His sanction for your enterprise, invoking the merciful Christ, whom you crucified afresh upon the cross. You promised them a world purged of the lust of hate. Purified by their sacrifice, sanctified through their martyrdom, cleansed with the tears of women, washing white in blood—in the blood of the young.

Month followed month; years died and were born; still you bade them slay. Stamped formlessly into the thirsty earth, torn and shattered; gory hollows which once were breasts; eyes from sockets blown, limbs mutilated, hanging loose; dying of thirst and wounds in shell holes, writhing on barbed wire, trailing their entrails, rotting alive amid the stench of corpse-strewn trenches; gibbering maniacs—you made them so. You! You!

What quarrel had they with those they fought, or these with them? "Common people" all. This lad from Devon, that lad from Gascony, this youth from Baden, that youth from Tuscan plains—all filled with the joy of life, all products of a common, human stock, sharing common hopes and sorrows. Workers of the world. And you had kept faith with those who strove but fell not. Immeasurable was still your guilt. And you had fully ministered to the needs of the widowed and fatherless. Immeasurable was still your crime. Yet forgiveness you would have gained. For infinite is the patience of the people, infinite simplicity of their hearts, infinite generosity and long suffering. But you have betrayed them! Where is the liberty you promised them? Is it the liberty to starve amid rioting luxury? Where is the freedom? Is it the freedom of the insufficient dole? Where is justice? Is it the justice of the poor law and the workhouse? Where is the security? Is it such security as the homeless have? Where is the prosperity? Is it the "prosperity" of impoverishment? Where is the peace? Is it the "peace" of death? For now you prepare once more a rich harvest for death's sickle.

In your madness you create viler engines of destruction. In your wickedness you devote anew the peoples' substance to their undoing. In your blindness you seek again to drown your treacheries in the blood of the innocent. You pollute the skies with winged flotillas of annihilation, which presently shall envelop sleeping cities in poison storms. Destroying in a night the patient labor of centuries. Raining incendiary shells upon the narrow buildings where your wage-slaves live. Belching lethal gas o'er the countryside. Asphyxiating entire communities. In cold blood, with a cynical ruthlessness and deliberation which make of you the master criminals of the ages, you plan the people's doom. Feverishly you cut down forests of spruce and fir, hickory and ash for your planes, turn your laboratories into vestibules for assassination, your chemists into hired assassins. Science you prostitute in murder's service. Massacre on a scale never before dreamt of you elevate to the dignity of virtue. Destruction you contemplate with a comprehensiveness staggering in its imbecility; destruction of teeming centers of population, of great hives of industry, of crops, and all vegetable life. The targets of your bombs will be the homes of the workers in shop and factory, in yards and fields.

In God's name, who and what are you that do these things? Whence your right to rule? To govern? To administer? Does warning of a wrath to come not cross the threshold of your complacency? Deem you limitless the toleration of the peoples? O Peoples, alleged victors but common victims in the Great War. The supreme peril of your age and destiny approaches swiftly with whirling wings of impending desolation. Rouse yourselves to its imminence ere the inexorable mechanism crush you in its fell embrace; ere the demons of fear and hate make you puppets to the will of panic-stricken,

blundering governments, cursed with the heritage of their own injustices and follies. Betrayed by your rulers—save yourselves! Betrayed by your churches—save yourselves! If you combine not to avert the catastrophe in preparation your doom is writ. Strugglers in freedom's cause—shall your life's labors perish with you? Helpers of the poor—will you surrender hopes of lifting them from the mire? Reformers of society—will you wait while madmen plan a wilderness? Workers for a cooperative commonwealth—will you watch it killed in birth? Lovers of the young—will you see the children immolated afresh? Remember! They bade you arm for peace's sake. You armed, and war came and scourged you. Remember! They bade you arm for safety's sake. You armed, and to-day are less secure from their criminal lunacy. Again they bid you fashion yet more devilish implements, while from the crucibles of their laboratories rise fumes of fetid gases to burn and suffocate; light gases which, merging with the air, will permeate all living things with dissolution; heavy gases that shall sink below the surface level and seek you out amid earth's bowels; poisons distilled in test tubes, drop by drop, whose malignant powers transcend the art of Caesar Borgia. Your bodies, your children, your houses, your cities, towns, and villages, your countryside—these the targets. Fools! Will you minister to your own destruction?

COMMISSION OF GOLD AND SILVER INQUIRY

Mr. ODDIE. Mr. President, some days ago I entered a motion that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the further consideration of Senate Resolution 323, which provides for the continuation during the Sixty-ninth Congress of the activities of the Senate commission conducting the gold and silver inquiry. The chairman of the committee, the Senator from New Hampshire [Mr. KEYES], informed me that it had not been possible for him to get the resolution through his committee, so I accordingly have entered the motion.

Some opposition has developed to the resolution—

Mr. STERLING. Mr. President, do I understand the Senator to say that he now makes the motion?

Mr. ODDIE. I have not made the motion yet. I want to make a few remarks on the matter and make the motion after I have concluded the remarks.

Mr. STERLING. I want to suggest to the Senator from Nevada that there is a pending motion undisposed of which I think should be decided before any other motion would be in order.

Mr. CURTIS. Mr. President, in order to save time I may state that the Senator from Utah [Mr. SMOOT] objects to the consideration of the resolution at this time. He has asked that objection be made if unanimous consent for its consideration should be requested. In view of that fact I hope the Senator from Nevada will postpone his request until the Senator from Utah is in the Chamber.

Mr. ODDIE. I understand. I know positively that the Senator from Utah is the Senator who has made strong objection to the resolution and is its most bitter opponent. I want the Senator from Utah to state on the floor of the Senate what his objections are in order that I may meet those objections. I am prepared to meet any objection. I am standing here representing the mining industry of the United States. A very large majority of the mining industry and some of the ablest economists, business men, and bankers of the United States are in favor of a continuation of the work. However, I shall not delay the Senator from South Dakota in securing action on his motion, after which I shall ask recognition so that I may continue my explanation.

PENSIONS AND INCREASE OF PENSIONS

The PRESIDENT pro tempore. The question is upon agreeing to the motion of the Senator from South Dakota [Mr. STERLING] to proceed to the consideration of House bill 6645.

Mr. BURSUM. Mr. President, there are pending on the calendar and have been for some time two omnibus pension bills, granting relief to widows in distress, widows who are suffering from sickness and from a shortage of funds and inability to care for themselves. The bills do not involve large appropriations. In each case they are private pension bills incorporated within one bill, approved by the Pension Committees of the House and Senate, and have been passed by the House. There are a few amendments which represent other private pension bills.

The whole proposition of both bills will not involve \$100,000. Most of the people involved are aged, sick, and in distress. It seems to me that while we are making appropriations by the millions and millions of dollars for other things, we ought not to forget those who are in distress, those who are in need, and those who are entitled to the consideration of the country.

I ask unanimous consent to take up the omnibus pension bills. It seems to me it will not take much of the time of the Senate, and unless they are considered and passed now there will hardly be any chance for them to become a law.

The PRESIDENT pro tempore. How many bills does the Senator from New Mexico include in his request?

Mr. BURSUM. There are two bills.

The PRESIDENT pro tempore. What are the numbers?

Mr. BURSUM. One is House bill 11354 and the other is House bill 11749.

Mr. ROBINSON. Are they both House bills?

Mr. BURSUM. Yes.

The PRESIDENT pro tempore. The Chair understands the request to include the bill (H. R. 11354) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and of the bill (H. R. 11749) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of said soldiers and sailors. Is there objection?

Mr. KING. I object.

Mr. CURTIS. I hope the Senator will not object.

Mr. KING. The Senator has objected.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from New Mexico.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed a bill and joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 11633. An act to authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924; and

H. J. Res. 382. Joint resolution empowering the Speaker of the House of Representatives to appoint a Member elect of the Sixty-ninth Congress as a member of the commission in control of the House Office Building.

PARTICIPATION OF LEGISLATIVE BODIES IN INTERNATIONAL RELATIONS

Mr. WALSH of Massachusetts submitted the following resolution (S. Res. 353), which was referred to the Committee on Foreign Relations:

Resolved, That the President be, and he is hereby, respectfully requested to ascertain through official channels the precise constitutional and legislative basis upon which rests, in each of the countries with which the United States maintains diplomatic relations, the control by the respective national legislative body, in whole or in part, of the conduct of the international relations of that country, and to furnish to the Senate at the opening of the first regular session of the Sixty-ninth Congress a report containing the full texts of all such constitutional and legislative provisions, both in the original languages and in English when the original happens to be any of the European languages, and in authorized English translation when the original is an Asiatic language, together with suitable bibliographical references.

HOUSE BILL REFERRED

The bill (H. R. 11633) to authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions: On February 28, 1925:

S. 2714. An act for the relief of John F. Malley;

S. 2774. An act for the relief of G. Ferlita;

S. 2793. An act for the relief of the estate of Anne C. Shymer;

S. 2992. An act for the relief of the Berwind-White Coal Mining Co.;

S. 3379. An act providing for the sale and disposal of public lands within the area heretofore surveyed as Boulder Lake in the State of Wisconsin;

S. 3760. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes;

S. J. Res. 125. Joint resolution granting permission to Fred F. Rogers, commander, United States Navy, to accept certain decorations bestowed upon him by the Venezuelan Government;

S. J. Res. 163. Joint resolution to accept donations of furniture and furnishings for use in the White House; and

S. J. Res. 177. Joint resolution to amend section 2 of the public resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved April 14, 1922.

On March 2, 1925:

S. 2399. An act to provide and adjust penalties for violation of the navigation laws, and for other purposes;

S. 2503. An act for the relief of W. H. King; and

S. 4230. An act to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American centennial.

ROBERT W. CALDWELL

Mr. WALSH of Massachusetts. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 8672) for the relief of Robert W. Caldwell, and I submit a report (No. 1256) thereon. I ask for the immediate consideration of the bill, and call it to the attention of the Senator from Ohio [Mr. WILLIS].

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts?

Mr. STERLING. Mr. President, I object.

The PRESIDENT pro tempore. The Senator from South Dakota objects.

MARTHA JANOWITZ

Mr. COPELAND. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New York?

Mr. REED of Missouri. Yes.

Mr. COPELAND. I ask unanimous consent for the immediate consideration of the bill (H. R. 9131) for the relief of Martha Janowitz.

Mr. ROBINSON. Mr. President, I rise to a point of order. It is impossible to hear the proceedings of the Senate. Senators who desire to carry on conversation should retire from the Chamber. They should be directed by the Chair to do so.

The PRESIDENT pro tempore. Senators will take their seats and order must be restored.

Mr. ROBINSON. I suggest that the Sergeant at Arms should be directed to restore order in the Chamber and to preserve it.

The PRESIDENT pro tempore. The Senator from New York presents a request for unanimous consent.

Mr. COPELAND. The bill for which I ask consideration involves only \$150. It is a death benefit. The soldier had designated his uncle as the beneficiary, but the uncle refuses to take the money, and it is proposed that the mother, who is an invalid shall have the benefit of this death claim of \$150.

Mr. STERLING. I shall have to object to the unanimous consent request.

The PRESIDENT pro tempore. Objection is made.

AMENDMENT OF PROHIBITION ACT

The PRESIDENT pro tempore. The question is upon agreeing to the motion of the Senator from South Dakota [Mr. STERLING] that the Senate proceed to the consideration of House bill 6645, to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department, and to define its powers and duties.

Mr. REED of Missouri. Mr. President, I insist that if the President of the Senate will reflect, there is no motion pending.

Mr. President, I understand the position of the Chair to be, the Senator from South Dakota having made a motion to take up what is commonly known as the Cramton bill, that that motion is still pending and is now ready before the Senate for consideration. I make the point of order that there is no motion pending, and I desire to state my reasons for that contention.

Mr. RANDELL. Mr. President, will the Senator from Missouri yield to me for a moment? I understand the Senator—

Mr. REED of Missouri. Let me state the grounds for the point of order, and then I will yield to the Senator from Louisiana.

On the calendar day of Saturday last the Senator from South Dakota made a motion to proceed with the consideration of the bill to which I have referred. Thereupon, the Senator from Ohio [Mr. WILLIS] propounded this inquiry:

The Senator from South Dakota having made his motion, and the Senate having agreed to recess when it finishes its business for the day, I ask the Chair if the Senator's motion will not be pending when the Senate meets on Monday.

The President pro tempore replied:

The Chair is of the opinion that it will be pending in the event a recess is taken before it shall be disposed of.

While the Chair did not expressly say so, the situation presented apparently was that we were then upon the point of adjourning; and I agree that if the motion had been made and we had then adjourned, the motion would have been left pending; but, Mr. President, after this colloquy a large amount of business was transacted by the Senate; other matters were taken up and considered. The Senator from Idaho [Mr. BORAH] moved that the Senate proceed to the consideration of executive business. The motion was agreed to, and the Senate proceeded to that business. After that the Senate resumed legislative session. The Senator from South Dakota [Mr. STERLING] asked unanimous consent for the present consideration of Senate bill 4232. That bill was taken up and considered, and was read the third time, and passed.

That is enough to illustrate my point, but a large amount of other business was also transacted. So the situation presented is that a motion was made and not acted upon, a large amount of other business was proceeded with, the passage of bills was accomplished, and yet now it is said that a motion once made and not acted upon is to survive and continue pending, although other business has been transacted.

Plainly, Mr. President, the practice can not be indulged in in the Senate that a motion can be made, and although no action is taken on it and other business is transacted, bills passed, laws enacted, that motion at some subsequent time remains alive and pending when other business is also pending and is being transacted. Under such a practice as that I could have made a motion last week and failed to secure action on it; but despite the fact that the business of the Senate had gone on and the motion in the meantime had been forgotten I could then suddenly insist upon a precedence for that motion on the ground that it had been pending all the time. There can not be two motions pending before the Senate at the same time. There is only one motion that can be pending, and when the Senate took up other motions this motion necessarily lapsed.

So I say there is no motion pending before the Senate and that the business of the Senate can proceed as though this motion, which was merely abortive and was expunged by the subsequent action of the Senate, had never been made.

Mr. WILLIS and Mr. STERLING addressed the Chair.

The PRESIDENT pro tempore. The Chair is ready to rule on the question. There was no business transacted after the Senator from South Dakota made his motion except by unanimous consent, and, in the opinion of the Chair, that does not displace the motion of the Senator from South Dakota.

Mr. REED of Missouri. Mr. President, the Chair having ruled, I have really no recourse left except to appeal from the decision of the Chair to the Senate, and on that I desire to be heard.

Mr. PEPPER. Mr. President, will the Senator yield to me for a moment?

Mr. REED of Missouri. I yield.

Mr. PEPPER. The ruling of the Chair, as I understood it, Mr. President, was based on the supposition that the Senate was proceeding by unanimous consent respecting the business that was transacted subsequent to the motion made by the Senator from South Dakota. Unless I am much mistaken, Mr. President, the Record shows that the business in question was transacted upon motion agreed to by the Senate and not by unanimous consent. I thought possibly that might make a difference in the opinion of the Chair.

The PRESIDENT pro tempore. What business was transacted afterwards except by unanimous consent?

Mr. PEPPER. There was a motion made by the Senator from Idaho that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. That is not business within the meaning of parliamentary law on the subject. If the Senate proceeds to the consideration of executive business, that does not displace the pending motion.

Mr. PEPPER. I thank the Chair for the information.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state the inquiry.

Mr. KING. I should like to know where the distinguished Presiding Officer finds authority for the statement that executive business dealing with treaties, foreign relations, matters of the greatest consequence to our country and our relations with

foreign countries, is not business within the contemplation of the rules or the Constitution.

The PRESIDENT pro tempore. The Chair is simply following a practice that has been in force ever since the Chair entered the Senate some 16 or 17 years ago. The Chair thinks that every Member of the Senate will verify the suggestion the Chair has just made.

Mr. REED of Missouri. Mr. President, I am a little curious to know where the rule comes from that the taking up of a matter by unanimous consent presents a different situation than the taking up of a matter by motion.

What is unanimous consent? It is, in substance and effect, an affirmative vote by the Senate. It is merely a short way of arriving at an affirmative action. The question is put: "Is there objection?" Instead of taking the formal affirmative vote, a negative vote is called for; and a negative vote having been cast, it defeats the proposition; but no negative vote having been cast, the Senate has unanimously voted for the particular proposition under consideration. That is the way the question presents itself to my mind, at least.

But, Mr. President, I go further than that. I say that when a Senator rises in his place and asks unanimous consent, and that proposition is entertained, that is in itself the transaction of business.

Mr. STERLING. Mr. President, will the Senator allow an interruption?

Mr. REED of Missouri. Yes; certainly.

Mr. STERLING. I merely wish to ask whether it is understood that the appeal of the Senator from Missouri from the decision of the Chair is now pending. Did the Senator actually appeal from the decision of the Chair?

Mr. REED of Missouri. Yes; I understand that the appeal is pending.

Mr. STERLING. That is what I wanted to know.

Mr. REED of Missouri. The Senate had this question presented to it: "Will it consider a bill?" What was that bill?

Be it enacted, etc., That the provisions of section 409, Revised Statutes of the United States, shall extend in all cases now pending or which may hereafter arise to balances due to the United States through accountability for public moneys under any provision of law in relation to the officers, employees, operations, or business of the Postal Service.

Unanimous consent was asked for the consideration of that bill. Let me waive the point I have just made and say that the granting of unanimous consent to consider a bill is not itself business; but what does the Chair say about the enactment of a statute which required a formal vote and a formal record in the Senate of that vote?

Admitting for the sake of argument that when the Chair said, "Is there objection to present consideration?" the granting of that consent was not the transacting of business, the consent was that we should transact business, and we proceeded to enact a law; and when we proceeded to enact that law it was not a matter of unanimous consent at all. The "ayes" had to be called for, the "noes" had to be called for, and a solemn record had to be made of the action of the Senate, so that its vote should forever appear in the records of the Congress.

A Senator could have granted unanimous consent for the consideration of a matter if the unanimous consent had contained a provision that the motion should not be displaced, because that would have carried the motion on by unanimous consent. That was not done, however; and while I do not care to discuss the matter at great length with reference to this point, it will never do to establish the rule in the Senate that a Senator can make a motion and then himself ask unanimous consent to proceed with another bill, and other Senators ask unanimous consent to proceed with other bills, and then have the solemn action of the Senate upon these bills, and say that that does not constitute the transaction of business.

It might be that the question would arise on the right of a Senator to call for a quorum, and it might be claimed that he had no right to call for a quorum, because no business had been transacted in the meantime; and when he replied, "You have passed a dozen bills here under unanimous consent," the answer would be, "But the Senate has ruled that that is not the transaction of business."

I repeat, there can not be two measures before the Senate at the same time, each pending. So when the Senate, by unanimous consent, took up other matters and considered other matters, they absolutely displaced this motion. As to the soundness of that doctrine I have not the slightest doubt.

I do not want to take up the time of the Senate, because there are several Senators here with bills that they hope to have considered.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED of Missouri. Certainly.

Mr. CARAWAY. The matter I want to call to the Senator's attention is that a parliamentary inquiry was propounded to the Chair, and the Chair answered that this motion would be pending. Would not that be equivalent to a consent that other matters might be taken up and disposed of and leave this motion pending? Because the query was propounded by the Senator from Ohio [Mr. WILLIS] as to whether that would affect the status of the motion of the Senator from South Dakota, and the Chair assured him that it would not.

Mr. REED of Missouri. If the Senator's question presented the facts as I understand them, I would answer him that I would not raise the question; but, if the Senator will pardon me, the facts were that we were apparently at the moment of adjournment, and with the situation in that shape and with a pretty general understanding that we would immediately adjourn the query was propounded. If we had then adjourned, I would raise no question, but we did not adjourn then.

Mr. CARAWAY. The Senator from South Dakota, with that assurance from the Chair and with that understanding from the Senate, then desisted in pressing his motion and permitted other matters to be transacted, with the assurance that to-day his motion would still be pending. Does not that raise the presumption, at least, that we assented to the carrying over of his motion and that it should be pending to-day?

Mr. REED of Missouri. I gave my tacit consent by not protesting against the ruling, because I understood the ruling to be that we were then to adjourn; and the Senator will find in the Record this language:

The Chair is of the opinion that it will be pending in the event a recess is taken before it shall be disposed of.

The situation was that the motion was made, and then some Senator proposed to adjourn. At least that was the general understanding. There is nothing in the Record to show it.

Mr. CARAWAY. A recess was had before the motion was disposed of.

Mr. REED of Missouri. Yes; that is true, but in the meantime we went on and had two sessions of the Senate. I think that if the Senator had wanted to preserve his rights, he should have protested against these other matters coming up, or should have insisted that the unanimous-consent agreement should embrace his motion. However, I want to say that if any Senator here says that he thinks my making this point would be a violation in any way of an implied understanding, I will not insist on it. I will go that far.

Mr. CARAWAY. I do not want to take any advantage of the Senator's view, but that was my distinct understanding—that whatever transpired on Saturday afternoon and Saturday evening, it did not displace the motion of the Senator from South Dakota, and his motion was to be considered as pending when the Senate reconvened on Monday. That is the way I understood the matter.

Mr. REED of Missouri. Mr. President, I desire to make a further point of order. It has been suggested to me that at the time this motion was made by the Senator from South Dakota we were proceeding under a unanimous-consent agreement to take up unobjectioned bills under Rule VIII, and therefore the motion itself was out of order at that time. Is not that a correct statement of the situation?

The PRESIDENT pro tempore. The Chair does not so understand the record.

Mr. STERLING. Mr. President, I think there is no such record. There was no unanimous-consent agreement on Saturday to take up unobjectioned bills on the calendar.

Mr. BAYARD. Mr. President, I disagree with the Senator from South Dakota.

Mr. WILLIS obtained the floor.

Mr. BAYARD. Mr. President, will the Senator yield for just a moment?

Mr. WILLIS. I yield briefly, for a question.

Mr. BAYARD. I think the Senator from South Dakota is mistaken as to the facts, and that it will be shown upon the Record that we were proceeding with the consideration of unobjectioned bills on the calendar, and we did that under a unanimous-consent agreement. I think the point just made by the Senator from Missouri is a sound one, for that reason. That agreement being carried out, and the consideration of

unobjectioned bills being carried on, no other business could come up except by unanimous consent. The Record discloses that.

I thank the Senator from Ohio.

Mr. WILLIS. Mr. President, the Senator from Delaware is laboring under a misunderstanding of the facts in this matter. It is my recollection that the Senate was not then proceeding under any such unanimous-consent agreement.

The Record does not show that there was any such agreement, and consequently that point must fall and fall utterly.

What are the facts touching this matter? Earlier in the day on Saturday the Senator from Kansas [Mr. CURTIS] rose in his place and said:

Mr. President, I ask unanimous consent that when the Senate concludes its business to-night it take a recess until 11 o'clock on Monday morning.

That is on page 5003 of the Record. Then the President pro tempore stated:

The request of the Senator from Kansas is that when the Senate concludes its business for to-day it shall take a recess until 11 o'clock Monday morning. Is there objection? The Chair hears none, and it is so ordered.

So that order had already been entered. Subsequently, as shown on page 5010 of the Record, the Senator from South Dakota made his motion, and at that time there had been no unanimous consent to consider only unobjectioned bills. That is an error on the part of the Senator from Delaware. We were transacting general business. When the Senator from South Dakota made his motion there was some general discussion, and there were some inquiries, and finally I submitted a parliamentary inquiry to the Chair, the inquiry which has already been read by the Senator from Missouri. That inquiry was as follows:

The Senator from South Dakota having made his motion, and the Senate having agreed to recess when it finishes its business for the day, I ask the Chair if the Senator's motion will not be pending when the Senate meets on Monday?

The PRESIDENT pro tempore. The Chair is of the opinion that it will be pending in the event a recess is taken before it shall be disposed of.

I submit that the decision of the Chair just made, and from which an appeal has been taken, is absolutely correct and in accordance with the facts. No business was transacted in open session thereafter. Senators will recall that the very bills to which reference is made on page 5010, and about which the Senator from Pennsylvania inquired, were brought up in executive session and were considered by unanimous consent. There was no further open session of the Senate, and I submit that it was the understanding of every Senator that this was the motion which would be pending when the Senate met upon Monday. The mere fact that we had an executive session and transacted certain business in that executive session, it seems to me, has no bearing whatsoever upon the understanding.

So it is perfectly clear that when the Senate recessed it recessed upon the understanding that this motion was to be pending when the Senate met on Monday morning. The Chair has so held, and I submit that the ruling of the Chair is absolutely correct.

Mr. REED of Missouri. Mr. President, my only reason for insisting upon my point is that I think if the ruling stands it will be a precedent that will rise to trouble us in the future. I am not concerned particularly about whether the Senator's motion shall come up now if he can get the floor to offer it. If there were some way I could withdraw my appeal and the decision, which I think will be troublesome in the future, with all respect in the world to the distinguished occupant of the chair, who is nearly always right, I would ask that that be done. If the entire matter can be expunged from the Record, I am ready to proceed, particularly since Senators claim that they think there was an implied understanding. I never broke an implied understanding in my life consciously. I did not have the understanding myself, but if others say they had it, that is controlling with me. I ask unanimous consent that the ruling upon the point of order, as well as the appeal, shall be expunged from the Record.

Mr. WILLIS. I object.

Mr. REED of Missouri. Then we will fight it out.

Mr. WILLIS. We might as well have a vote.

The PRESIDENT pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	King	Shipstead
Ball	Edwards	Ladd	Shortridge
Bayard	Fernald	McKellar	Simmons
Bingham	Ferris	McNary	Smith
Borah	Frazier	Mayfield	Smoot
Brookhart	George	Means	Spencer
Broussard	Gerry	Metcalf	Stanfield
Bruce	Glass	Neely	Stephens
Bursum	Gooding	Norbeck	Sterling
Butler	Greene	Norris	Swanson
Cameron	Hale	Oddie	Trammell
Capper	Harrell	Overman	Underwood
Caraway	Harris	Owen	Walsh, Mass.
Copeland	Harrison	Pepper	Walsh, Mont.
Couzens	Heflin	Phipps	Warren
Cummins	Howell	Pittman	Weller
Curtis	Johnson, Calif.	Ralston	Wheeler
Dale	Johnson, Minn.	Ransdell	Willis
Deneen	Jones, Wash.	Reed, Mo.	
Dial	Kendrick	Robinson	
Dill	Keyes	Sheppard	

Mr. CAMERON. I desire to announce that the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. WADSWORTH], the Senator from Kentucky [Mr. ERNST], the Senator from Illinois [Mr. MCKINLEY], and the Senator from New Hampshire [Mr. MOSES] are detained from the Senate in attendance on a committee meeting.

Mr. CURTIS. I desire to announce the absence of the Senator from Florida [Mr. FLETCHER] on official business.

The PRESIDENT pro tempore. Eighty-one Senators have answered to the roll call. There is a quorum present.

Mr. REED of Missouri obtained the floor.

Mr. EDWARDS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Jersey?

Mr. REED of Missouri. I do.

Mr. EDWARDS. Mr. President, since the Cramton bill passed the House, June 5, 1924—

Mr. KING. Mr. President, I ask for order.

The PRESIDENT pro tempore. The Senate will be in order. The Senator from New Jersey will suspend until Senators cease conversation.

Mr. WALSH of Massachusetts. Mr. President, I ask that the Sergeant at Arms be called into the Chamber and that he remain here until 12 o'clock Wednesday to assist in preserving order, so that we can transact business.

The PRESIDENT pro tempore. The Sergeant at Arms will be sent for. There is an assistant to the Sergeant at Arms in the Chamber now, and he is a very able man. The Senator from New Jersey will proceed.

Mr. EDWARDS addressed the Senate. After having spoken for some time,

DEFICIENCY APPROPRIATIONS

Mr. WARREN. Mr. President, will the Senator from New Jersey yield to me to present a conference report?

The PRESIDING OFFICER (Mr. McNary in the chair). Does the Senator from New Jersey yield to the Senator from Wyoming?

Mr. EDWARDS. I yield for that purpose.

Mr. WARREN. I send to the desk the conference report on House bill 12392, the deficiency appropriation bill.

The PRESIDING OFFICER. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two houses on the amendments of the Senate to the bill (H. R. 12392) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 12, 18, 30, 32, 35, 38, 40, 42, 43, 44, 51, 52, 54, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 22, 24, 25, 26, 28, 31, 33, 34, 46, 47, 49, 50, 53, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For payment, in monthly installments, for services rendered the Senate, fiscal year 1925, as follows: Agnes E. Locke, \$630.50; and Joseph E. Johnson, \$494; in all, \$1,124.50."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lines 9 and 10 of the matter inserted by said amendment strike out the words "fiscal year 1925, to remain available until expended, \$10,000," and insert in lieu thereof the following: "\$10,000, to remain available during the life of the commission," and transpose the amended matter to follow after line 2, on page 7 of the bill; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In line 9 of the matter inserted by said amendment, after the word "all," insert the following: ", fiscal years 1925 and 1926," and transpose the amended matter to follow after line 2 on page 7 of the bill; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To carry out the provisions of the public act of the Sixty-eighth Congress entitled 'An act to provide for the elimination of Lamond grade crossing, in the District of Columbia, and for the extension of Van Buren Street, fiscal years 1925 and 1926, \$59,000'; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment, after the word "of," insert the following: "bathhouses and bathing facilities on the east side of the Tidal Basin and of"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to follow line 6 on page 32 of the bill, and in lieu of the sum named in said amendment insert "\$275,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$100,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: On page 68 of the bill in line 20 strike out the word "to" and insert in lieu thereof the following "and replacement of"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 20, 23, 36, 37, 39, and 45.

F. E. WARREN,

CHAS. CURTIS,

LEE S. OVERMAN,

Managers on the part of the Senate.

MARTIN B. MADDEN,

D. R. ANTHONY, JR.,

JOSEPH W. BYRNS,

Managers on the part of the House.

Mr. FLETCHER. Mr. President, does the Senator desire to ask for the present consideration of the report?

Mr. WARREN. I move the adoption of the report.

Mr. FLETCHER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Hale	Mayfield
Ball	Deneen	Harrell	Means
Bayard	Dial	Harris	Moses
Bingham	Dill	Harrison	Neely
Borah	Edge	Heflin	Norbeck
Brookhart	Edwards	Howell	Norris
Broussard	Ernst	Johnson, Minn.	Oddie
Bruce	Fernald	Jones, N. Mex.	Overman
Bursum	Ferris	Jones, Wash.	Owen
Butler	Fess	Kendrick	Pepper
Cameron	Fletcher	Keyes	Phipps
Capper	Frazier	King	Pittman
Caraway	George	Ladd	Ralston
Copeland	Gerry	McKellar	Ransdell
Couzens	Glass	McKinley	Reed, Mo.
Curtis	Gooding	McNary	Reed, Pa.

Shepard
Shipstead
Shortridge
Simmons
Smith
Smoot

Spencer
Stanfield
Stephens
Sterling
Swanson
Trammell

Underwood
Wadsworth
Walsh, Mass.
Walsh, Mont.
Warren
Watson

Weller
Wheeler
Willis

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, there is a quorum present.

Mr. WARREN. Mr. President, I recognize that the Senator from New Jersey has the floor.

The PRESIDING OFFICER. The Senator from New Jersey yields to the Senator from Wyoming for the purpose of presenting a conference report.

Mr. WARREN. I also recognize the unfinished business before the Senate, but in order to conclude the business of the Senate I shall have to ask consent that this report may be approved or otherwise disposed of.

The PRESIDING OFFICER. The question is upon the adoption of the conference report submitted by the Senator from Wyoming.

Mr. FLETCHER. Mr. President, I thought the first question was in regard to taking up the conference report. I have no disposition to be captious about it or to make any point about it. The question of the adoption of the report being now put by the Chair, I wish to submit a few observations with regard to it.

I have no objection to the consideration of the report, and, as I said, I do not want to delay matters at all, and I would not stand in the way of my good friend the chairman of the committee in pressing forward this conference report; but I want to take this position about it, and state my reasons for it:

I think this report ought to go back to the conference committee. I think the report ought to be rejected, and I am urging the Senate to reject it, for the reason, particularly, which I will state. There are other objections to the report which I might urge, but I will confine my observations to this particular amendment.

The conferees have agreed that the amendment which I offered to the bill shall go out of the bill. The House conferees objected to it; the Senate conferees have receded, and if this report is adopted that amendment will go out of the bill.

Mr. OWEN. Mr. President, what is the amendment?

Mr. FLETCHER. That amendment was to this effect:

That in carrying into effect the provisions of existing legislation authorizing the acquisition of land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings in the several cities enumerated in Senate Document No. 28, Sixty-eighth Congress, first session, the Secretary of the Treasury is hereby authorized to disregard the limit of cost fixed by Congress for each project—

That was to give the Treasury Department leeway to modify plans, simplify plans, and save all the money possible—

and to enter into contracts for all or so many of the buildings heretofore authorized to be constructed, but not yet under contract, as may be possible within the total additional sum of \$7,900,000.

The list of those buildings I can give to the Senate if they want to hear it, and the buildings in each State. Forty States are concerned in this amendment. As far as my own State is concerned, there is only one building that would be affected by it. A total appropriation of \$85,000 is all that would go to the State of Florida under this amendment; but there are other States, like the State of New York, where something like \$1,000,000 is involved, and other States where seven or eight hundred thousand dollars is appropriated to complete buildings which have heretofore been authorized and for which no contract has been possible, because the appropriation was not adequate. When the officials of the Government went to let the contract they found that the cost of material and labor had increased so that the buildings could not be constructed within the appropriation, and those buildings have been in the air ever since. Nothing has been done about them. There is need to supplement the original appropriations, most of them made 10 years ago, in order that work may be begun upon those buildings the construction of which has been authorized by Congress and the appropriation for which has been made, but found to be inadequate to complete the buildings.

Mr. DILL. Mr. President, will not the Senator read the list?

Mr. FLETCHER. One minute, please. I am doing this talking, and I do not want to be interrupted. I beg the Senator's pardon for being a little brusque about it.

Mr. DILL. I merely wanted the Senator to read the list, so that we might know what the buildings are.

Mr. FLETCHER. If the Senate wants it, I will read the list.

Mr. EDWARDS. Mr. President, I yielded the floor for a specific purpose, not for a speech.

The PRESIDING OFFICER. Does the Senator object to the immediate consideration of the conference report?

Mr. FLETCHER. No; I do not. I supposed that the question of the adoption or rejection of this report was the question now before the Senate.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. FLETCHER. I understood that was the parliamentary situation; and of course the question of the adoption of the report is a debatable matter.

Mr. EDWARDS. I know, but I am not yielding the floor. I only yielded for the purpose of presenting the report.

Mr. FLETCHER. Of course, if that is the parliamentary situation, I am perfectly willing to wait until the Senator gets through his speech. I do not want to take the Senator off the floor, and I am not doing it; but if I had not taken the floor when I did this report would have been acted upon. Therefore it was necessary for me to make these observations, if I am going to make them at all, before the report is disposed of.

Mr. EDWARDS. I have no objection, Mr. President, but I do not want to lose the floor. I want to finish my speech.

The PRESIDING OFFICER. The Senator does not lose the floor by yielding for the purpose of considering a conference report. His rights will be preserved by the Chair.

Mr. FLETCHER. I am very glad to have that question settled. I am not responsible for that situation.

The Senator from Washington [Mr. DILL] suggests that I read the list of buildings that would be constructed, contracts for which would be let, and construction proceeded with if this amendment is adopted. If this amendment is not adopted those buildings can not be built, although appropriations have already been made that were supposedly enough, but they have been found to be insufficient.

The list is as follows:

Alabama: Andalusia.
Alaska: Juneau.
Arizona: Globe.
Arkansas: Marianna, Prescott, Russellville.
California: Bakersfield, Red Bluff, San Luis Obispo, San Pedro.
Colorado: Durango.
Connecticut: Branford, Mystic, Putnam.
Florida: Marianna.
Georgia: Douglas, West Point.
Idaho: Coeur d'Alene, Sand Point.
Illinois: Geneseo, Jerseyville, Metropolis, Mount Carmel, Paxton.
Indiana: Bluffton, Clinton, North Vernon, Rochester.
Iowa: Cherokee, Des Moines.
Kentucky: Shelbyville.
Louisiana: Thibodaux.
Maine: Caribou, Fort Fairfield.
Maryland: Salisbury.
Massachusetts: Amherst, Leominster, Malden, Newburyport, Southbridge, Waltham.
Michigan: Cheboygan, Hastings, Midland, Wyandotte.
Minnesota: Fairmont, Montevideo.
Mississippi: Holly Springs, Water Valley.
Missouri: Fayette, Harrisonville, Liberty.
Nebraska: Central City.
Nevada: Fallon.
New Jersey: Bayonne, East Orange, Millville, Montclair, Vineland, Woodbury.
New York: Cohoes, Fort Plain, Long Island City, Saranac Lake, Syracuse, Yonkers, Walden, Waterloo.
North Carolina: Thomasville, Wilson.
North Dakota: Jamestown.
Ohio: Akron, Fremont, Kenton, Sandusky, Washington Court House, Wilmington.
Pennsylvania: Donora, Dubois, Franklin, Lewistown, McKees Rocks, Olyphant, Pittston, Sayre, State College, Tamaqua, Tarentum, Waynesburg.
South Carolina: Lancaster.
South Dakota: Chamberlain.
Tennessee: Athens, Franklin, Memphis sub-postoffice, Tullahoma.
Texas: Comanche, Gilmer, Mount Pleasant, Orange, Pittsburg.
Utah: Vernal.
Vermont: St. Johnsbury.
Washington: Seattle.
West Virginia: Hinton, Williamson.
Wisconsin: Madison, Mineral Point, Tomah.
Wyoming: Buffalo, Cody.

In a few of the instances in this list—the names I have given show the towns at which the buildings are to be built—contracts have been modified and simplified and buildings have

been put up or are under construction, but I have taken all that into consideration in naming this amount. Those items have been deducted. The total amount estimated originally by the Treasury Department as being required to complete the buildings already authorized, was fifteen millions and something. After deducting all those that are under contract and all those where the plans were simplified and modified so that the buildings could be contracted for, there still remains a balance of \$7,900,000 necessary to add to the fund which has already been appropriated and which has not gone back into the Treasury. We find that the total amount necessary to add to that fund is \$7,900,000.

Once an appropriation is made for public buildings, if it is not used, it does not go back into the Treasury. It remains there, and it is not necessary to reappropriate it year after year. There is something over \$9,000,000 already appropriated toward this building program, and to supplement that \$9,600,000 there is needed \$7,900,000 in order that the buildings which I have mentioned here may be constructed.

The amendment which I originally offered provided also for the construction of buildings on sites which had already been acquired; but a point of order was made with reference to that provision in the amendment, and it was not inserted in the bill. This amendment now in the bill simply calls for this specific appropriation of \$7,900,000 necessary to add to the fund already appropriated in order that these buildings may go up. This has been the situation for something like 10 years.

I submit that the Senate conferees ought not to have receded from their amendment, and ought not to have allowed the House of Representatives, because they did not get the general public buildings bill which was sent over here, calling for \$150,000,000, etc., to say that because we did not report that bill they will not have any public buildings.

Mr. WARREN. Mr. President, will the Senator allow me to interrupt him?

Mr. FLETCHER. Certainly.

Mr. WARREN. The Senator has very well stated the case. The amount has been trimmed. It has been through my office several days to get the proper angle of it as to size, because the Senator has advised us that he would offer it. He is right about that.

I fear this, however: The conferees on the other side are very, very strong and set in their way about the matter, because, as they say, they know from work they have already done that it is impossible to pass anything of that kind through the House, because the House wants more and proposes to have it as soon as the next Congress meets. One trouble that I fear they would have now if they should consider the matter again is that the House is not advised of the work that the Senator has done and that the Committee on Appropriations has done to trim this amount down to absolutely the lowest notch that will cover all of those matters, as the Senator says. This is the very last thing that was settled in conference, and I thought that the other Senate conferees as well as myself had exhausted their efforts in the matter. Of course there can be only one thing or the other done with the bill in order to get it back here. So I may say that the Senator is right in his proposition as to what we ought to do, but it means that we can not do it at this time.

Mr. FLETCHER. I appreciate what the chairman has said as to that situation, but it occurs to me that rather than do this wrong thing and bring about this uneconomical way of using these funds we ought to send the bill back to conference and allow the House time to get acquainted with the facts and understand the subject. They have not very much time, but it would not take more than an hour or two of study for them to know just what this means. It does not mean an appropriation of \$15,000,000 at all. It does not mean that this is an appropriation of money for buildings which have already been contracted for or anything of that sort. All that has been taken out of the amount originally estimated and the sum has been reduced to the minimum of \$7,900,000 necessary to go on with these buildings where no contracts at all have been let and can not be let because the appropriation already made is not sufficient to enable the Government to let the contracts and go on with the buildings.

Mr. SHORTRIDGE. Mr. President—

Mr. FLETCHER. I yield to the Senator from California.

Mr. SHORTRIDGE. Mr. President, I favored the amendment which was offered by the Senator from Florida. I regret exceedingly that the Senate conferees have felt it necessary to yield, and not insist upon retaining that amendment in this bill.

I very heartily concur in what has been said by the Senator from Florida. It is deplorable, it is to be more than regretted, if the buildings for which appropriations have been made,

which appropriations have been found to be insufficient, shall not be constructed at an early date. I speak immediately for cities in my own State, but I have no doubt that like conditions prevail in all the States mentioned in this amendment.

I do not wish to delay the matter further than to add that, from some experience, I never cease to battle until a fight is irrevocably lost or won. Therefore there is still time, it seems to me, for the Senate, acting through its able conferees, again to insist upon retaining this amendment in this bill.

Without more words, but with deference, I suggest that another attempt be made to convince the House conferees of the wisdom of retaining this item in this bill. I do not wish to force my view upon our conferees or upon others, but while there is time to make another effort I think that effort should be made, and with respect for the other branch of the Congress I think they should yield in a matter of such manifest necessity.

Mr. FLETCHER. Mr. President, this does not call for any new project or any new building. The amendment does not provide for the selecting of any new site or anything of that sort. It simply provides for the putting up of buildings which were authorized 10 years ago and partially appropriated for. That is all there is to it. There are four such places in the State of California. Those people have been waiting long enough, it seems to me.

We can not at this session of Congress hope to get through a general public buildings bill. There has been no general public buildings bill since 1913. The last bill of that sort enacted by Congress was signed by President Taft on March 4, 1913. We can not have one now, but we can at least supply the necessary funds to complete the buildings which have been heretofore authorized, and for which these various communities in 40 States have been waiting all these years.

Mr. SHORTRIDGE. Mr. President, might not the Senate conferees call to the attention of the House conferees the fact that this amendment would not in any wise interfere with any financial program, that it would in no sense embarrass the Treasury? Might it not be well for them to point out what the Senator from Florida has just stated, namely, that the amendment does not call for the full appropriation of \$15,000,000, but for the amount the Senator has stated, \$7,900,000?

Mr. FLETCHER. The amount has been reduced by the Treasury Department so as to provide enough to complete buildings for which partial appropriations have been made but which appropriations have been found to be inadequate to go on with the buildings. That situation will continue indefinitely. Congress has authorized the construction of a building, we will say, at Red Bluff, Calif.—

Mr. SHORTRIDGE. A very much needed building.

Mr. FLETCHER. And let us say that Congress appropriated \$50,000 for that building. When the Secretary of the Treasury went to let the contract he could not get a bid of less than \$100,000 for the construction of the building. So the \$50,000 has remained in that fund; it has not gone back into the General Treasury. No building has been constructed; no contract has been let, because nobody will take the contract for \$50,000. This bill would supply the other \$50,000 in order that the building might go up.

That illustrates the whole proposition from beginning to end. That is all it means. This amendment would not mean any general public-building program at all. It would simply mean that we would do what in good faith we have promised to do, and what we have attempted to do, but something which we find can not be accomplished because of a lack of additional funds. This bill provides for those additional funds.

I remind the conferees that we have until March 4. This is a very important bill, I realize; but I believe that after further conference the House conferees will better understand the subject and will realize the importance of agreeing to this amendment, will see the justice and the wisdom of it from an economical standpoint and from the standpoint of public interest.

For the reasons I have stated I ask that the conference report be disagreed to and that the bill be sent back for further conference.

Mr. McKELLAR. Mr. President, just a word before the vote is taken. I hope very much that this bill will be sent back to conference. We have ample time to have the matter the Senator from Florida has brought to the attention of the Senate considered by the conferees again. It will not endanger the bill in any way.

Manifestly this amendment should be agreed to. Years and years ago we passed laws providing for these several buildings. There are 40 States in which these completions are to be made. Almost every Senator here is interested in carrying out in good faith that which the Government has already by law

declared it was going to do. It means no new building program; it merely means finishing a program that has already been undertaken but for which the money has not been furnished. We should furnish the money in justice to these projects which have already been started. I hope very much that this conference report will be sent back and the conferees instructed to keep the amendment in the bill.

While I am on my feet, I want to call attention to another amendment which ought to be left in the bill. That is the amendment offered by the Senator from Utah [Mr. SMOOT], providing for an internal-revenue building. Such a structure is badly needed. If there are any records in this city which are important, they are the records of the Internal Revenue Department. Housed as they are now, those records are in jeopardy. They are in a number of temporary buildings of the Government, which might be destroyed by fire at almost any time. A building to contain records which involve the collection of revenue for the Government ought to be built, and should be begun at once. There seems to be no reasonable excuse whatsoever why the amendment providing for that building in this city was left out of the bill. I hope the conferees will take the bill back to conference and agree that not only the amendment proposed by the Senator from Florida [Mr. FLETCHER] be incorporated in the bill, but that the amendment proposed by the Senator from Utah [Mr. SMOOT] providing for an internal-revenue building, to be begun at once, be put into the bill.

Mr. SMOOT. Mr. President, I want to say just a word. I do not believe there are five Senators or five Representatives who are opposed to an appropriation for the construction of an internal-revenue building in the District of Columbia. If there ever was a proposition before Congress that was almost unanimous, it is this.

Mr. DIAL. Mr. President, we can not hear the Senator over here.

The PRESIDING OFFICER. There must be order in the Senate.

Mr. SMOOT. I have no doubt but that the chairman of the Committee on Appropriations did his best to have these amendments kept in, but I desire to say that the destruction of any of these buildings which contain the internal-revenue records would mean a frightful loss to the Government of the United States. A wrong is done in not including this provision in the bill, in order that the Government may immediately begin the construction of such a building. I repeat, I do not believe there is a Senator opposed to it, and I know of only one or two who are opposed to it in the House.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. McKELLAR. The Senator will recall that the two amendments we have been discussing were added to the bill practically without a single objection; there was an objection to a part of one of the amendments, but it was arranged in such fashion that it went into the bill unanimously.

Mr. SMOOT. Yes.

Mr. McKELLAR. I want to call the Senator's attention to another fact. The Senator says the building of this internal-revenue building is important for the protection of the Government. That is true; but it is more important for the protection of the people. The people have their papers there, many of them having reference to refunds of taxes and for settlements of their taxes. The people of the country are interested in this matter in the same way the Government is interested in it.

Mr. SMOOT. It involves records representing billions and billions of dollars. Those records are stored in places which no ordinary business man would ever allow to be used as a depository for even ordinary business papers. I am not going to say anything more about this at this time. I am sorry our conferees had to yield.

Mr. JONES of Washington. Mr. President, may I ask the Senator a question?

Mr. SMOOT. Yes.

Mr. JONES of Washington. What reason is given, if the Senator can tell me, why that provision should not be included in the bill?

Mr. SMOOT. I am not one of the conferees on this particular bill. If the Senator from Wyoming has no objection, I think I can tell the Senator from Washington the reason.

Mr. WARREN. The Senator from Utah has the floor, and can tell the Senate the reason, if he knows any reason other than what I have stated. I simply know that we, as conferees, had to drop it or come to no agreement.

Mr. SMOOT. As I understand, the reason is this, that the conferees on the part of the House wanted a \$150,000,000 bill, and if they could not get that there was to be none.

Mr. McKELLAR. Mr. President, will the Senator yield just a moment?

Mr. SMOOT. Yes.

Mr. McKELLAR. If this report is sent back to conference, the effect will be to allow the House to vote on these two separate provisions. That will be the only result. Surely they have plenty of time to vote. Let the House conferees put the propositions up to the House. The House has not voted on the amendments yet. The conferees only have expressed their views. So if the Senate conferees would permit the bill to go back with these two amendments in it—

Mr. WARREN. Mr. President, there is no question of permission in it. The question is for the Senate either to accept the report or to send it back to the committee. It will have to be done in the regular order.

Mr. McKELLAR. Of course, if the bill is sent back for these two reasons, it will mean that those proposals will have to be taken to the House, where the House will have the privilege of voting on them. Their conferees should not cut them out of the right to vote on the propositions. I say that with all due respect to all the conferees.

Mr. DIAL. Mr. President, I hope the report will be sent back to the committee, and I trust the conferees will agree to let both the amendments remain in the bill. It is false economy to refuse to go on with this work. In many localities the people are expecting public buildings to be erected on sites which have already been purchased. In my own State two sites have been acquired in progressive, young cities, and they are anxious to have buildings erected which will be sufficient to take care of the advancing needs.

I trust we will send the bill back, and I believe our able conferees can get the amendments agreed to.

Mr. JONES of Washington. Mr. President, as I understand the situation with reference to the public-buildings proposition, it is that we will not let any provision go through providing for any building in the interest of the Government unless we provide for buildings all over the country. Personally, I do not like a situation like that. I do not like to see legislation put upon that sort of basis. I do not think that the country likes to see legislation put upon that sort of basis. I would like very much to see some appropriations for public buildings or appropriations to make provision for additional room for governmental activities in my own State, but because we can not get them I do not think that would justify us in any way to vote against provision for a building in the city of Washington that seems so absolutely essential to the safety of Government documents and to conserve the interests of the Government.

Everybody seems to concede that the proposal for the internal-revenue building in the city of Washington is a matter of vital importance to the Government for the preservation of governmental records. I think it is a reflection upon the Congress if we fail to make provision for that simply because we do not get money for buildings outside the city of Washington. The provision for the building is not in the interest of the city of Washington; it is not in the interest of the District of Columbia; it is in the interest of the Government itself and the preservation of papers of inestimable value. I think that we should as far as possible insist at least upon this item.

The efforts of the Senator from Utah [Mr. SMOOT] have been wholly devoid of selfishness or selfish interest. He has not placed the necessity or the desirability of getting the appropriation for this building upon the basis that he must have money for some building in the State of Utah, but he has been moved solely by his desire to promote the welfare of the Government itself and to provide means by which papers and documents of inestimable value may be preserved. It seems to me that we should insist, so far as we possibly can, upon a provision for that building anyhow. I can not see how anyone can justify opposition to this provision simply because he can not get an appropriation for some building outside the city of Washington, however necessary that may be. I do not question the necessity for buildings on the outside, but I do not believe that any of them are of such vital importance as is the building desired in the District of Columbia.

Now, Mr. President, I want to say just a few words about another item in the bill, and that is the item for the payment to Ferry County and Stevens County, in my State, of a certain sum of money that has been authorized by law. I know that this is a small item. It only affects those two counties in my State, and yet it seems to me that because it is a matter that has been found to be just, we ought to take care of it. Briefly I want to call attention to the outstanding facts with reference to it.

There had been a dispute, if I may so term it, between those two counties and the National Government since 1913,

under which those counties claimed that they were equitably and justly entitled to recompense of taxes that should have been paid upon Indian lands in the State under laws that had been enacted. I desire to read from the report made upon a measure of this sort away back in the Sixty-seventh Congress by the Senator from Kansas [Mr. CURTIS], who is thoroughly familiar with these matters. This report sets out a letter from the Secretary of the Interior. Briefly, it shows that a law was passed in 1906 relating to the Colville Indian Reservation, upon which this claim by the two counties is based. I am not going into the details of that matter, but they filed their claims in 1915. The claims were disallowed then by the department without a decision upon the merits of the claims at all. In a report dated January 23, 1920, to the Sixty-sixth Congress, authorizing and directing the Secretary of the Interior to determine what taxes, if any, were due and recommending appropriation for payment, the department expressed the belief that the Secretary of the Interior already had authority to make the investigation directed in section 1 of the bill, but it had no objection to its enactment. In the Indian appropriation act for 1920, five years ago, we incorporated this provision:

The Secretary of the Interior is authorized and directed to investigate and report to Congress, on or before the first Monday of December, 1920, as to the right of Stevens and Ferry Counties, in the State of Washington, to the payment of taxes on allotted Indian lands under existing law, and to state the amount, if any, to which each of said counties is entitled.

That provided for investigation by the Interior Department as to the merits of the claim. Here is what the letter from the Secretary said:

In accordance with the above provision an Indian Office Inspector made a thorough investigation of conditions on the north half of the Colville Reservation, visiting all accessible parts of the same. His report and recital of facts in connection with improvements in roads, bridges, and schools indicated that expenditures were greater than these counties would have made except for the belief that the Secretary of the Interior would recognize their equitable rights to be paid money by the Government in lieu of taxes by individual allottees, and that the provision in the act of 1892 with regard to payment was an inducement to settlement on the lands.

That was the belief of those people as found by the inspector. He agreed with the suggestion that if they had not had this reasonable belief that they would not have invested so much of their money in roads, schools, and so forth, that were largely for the benefit of the Indians themselves.

A report was made on December 6, 1920, by the then Secretary of the Interior to both Houses of Congress, and to the chairmen of the Committees on Indian Affairs. With the letter to the chairman of the Senate committee was inclosed the report by the Indian Office Inspector, and the same has not yet been returned. The report to Congress required by the above-mentioned paragraph in the Indian appropriation bill of February 14, 1920, contained the following recommendation which has been included in S. 1168 and H. R. 5418.

That was the legislative bill passing upon the claim. Now notice what was in the report:

In view of the fact that by the terms of the act the Government encouraged settlement upon the ceded lands; that the Indians have shared in the benefits of the improvements made by the white people; that these improvements have also enhanced the value of the Indian holdings, and that the Government must necessarily use the roads and bridges in entering and returning from its own property in these two counties, the department recommends that an appropriation be made of the amounts claimed, and that the same shall be paid by the respective counties subject to any deductions that may be made on account of payments for Indian tuition, and for any amounts where the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable lands.

Mr. President, to carry out that recommendation, made as the result of an investigation by the Interior Department pursuant to direction from Congress, legislative bills were introduced. We did not put it in appropriation bills, but we introduced separate bills to carry out the recommendation, or authorizing it to be carried out. After careful consideration not only in the Senate, but in the House, favorable reports were made. A report was made in the Senate way back in the Sixty-seventh Congress and the matter has now been pending year after year until finally, in the Sixty-eighth Congress, it not only passed the House but was favorably reported in the Senate by a committee, not the Committee on Appropriations but a committee having jurisdiction over those

matters. It was recommended favorably and legislation was enacted and signed by the President.

The only purpose of the provision in the deficiency appropriation bill is to carry out the solemn legislative finding of the Congress of the United States, based upon recommendations made by the Secretary of the Interior, pursuant to directions of Congress. What more could be added by anybody in behalf of any claim brought to the consideration of the Government? After this has been done, compliance with the legislation is thus far refused by the Congress. We put on the provision in the Senate and the House for some reason excludes it. We had it on the Interior Department appropriation bill, and I finally consented to its elimination there, with assurances upon the part of some of our representatives on the committee that we would do what we could to carry it through in the deficiency bill.

It does seem to me that this Government of ours can not afford to put itself in the position of not only repudiating a claim that its department has found justifiable, but repudiating a claim that has been solemnly indorsed by legislative act signed by the President. Of course, I would not feel justified in defeating the conference report, much as I would like to have the item taken care of, but I feel that the conference report ought to go back, especially on account of the item with reference to public building in the District, and in connection with it we should have this item disagreed to in the hope that we can secure an agreement, not only on the item relating to the public building but with reference to this proposition as well.

I feel that the conferees, of course, have done the best they felt they could do under the circumstances, but it does seem to me that after a proposition has been passed upon as this one has been passed upon, the merits fully considered, a legislative act passed and signed by the President, that we can and should do nothing else but carry it out. I hope the conference report will go back for reconsideration of these two items.

Mr. SHORTRIDGE. As I understand it, no one questions the statements the Senator has made?

Mr. JONES of Washington. Nobody can question those statements.

Mr. CURTIS. Mr. President, as one of the conferees, I feel that I should make a brief statement with reference to the report.

In the first place, in regard to the item in the State of Washington, I want to say to the Senate that that was just as fully presented to the conferees as it could be. The original act was read, the legislation enacted at that time was read, the letters of the departments were read, and the matter was fully presented. I may add that the House conferees did think that if the item were not put in the deficiency bill, legislation should or could be enacted taking the amount from the funds that were turned into the Treasury. On the question, of course, and as to the status of the fund your conferees were not sufficiently advised to act. Had they agreed to it, the matter would have had to have gone back to the other House and to the Senate for a separate vote, because it would not have been in order for us to have inserted new matter in a conference report. I do not believe it will be possible to get the conferees on the part of the other House to agree to this item in the bill at this time.

The three items in dispute, the one in reference to the public building for the Internal Revenue Department, the one involved in the amendment offered by the Senator from Florida [Mr. FLETCHER] in regard to public buildings, and the Washington item were the last discussed. Your conferees worked all day long in conference; every argument was advanced that could be advanced to induce the conferees on the part of the House to recede on those amendments, but they would not do so. As one of the conferees, I wish to say that I believe if the Senate shall send the bill back to conference the result will be the same at the end of the next conference; that is, that the House will still insist upon its disagreement and that no agreement can possibly be reached.

There were reasons for their attitude given by the conferees, if I may be permitted to state them, although I, for one, believe it is not the proper thing to state what happens in conferences or before committees, but, as reference has already been made to what occurred, I feel that I am justified in adding a word or two as to what happened in regard to the amendment providing for a public building for the Internal Revenue Department.

In the first place, the House conferees did not agree that that building was actually required. They also objected to the place where it was proposed that the building should be

located, claiming that the amendment should specify where the building should be erected.

Mr. SMOOT. I will say to the Senator from Kansas I am perfectly willing the proposed legislation shall be so amended as to provide for that.

Mr. CURTIS. I know the Senator from Utah is perfectly willing that that should be done, and so are the conferees on the part of the Senate, but it would have to be brought back to both Houses.

In regard to the amendment offered by the Senator from Florida [Mr. FLETCHER], the House conferees insisted that instead of acting upon it we should act upon the general public buildings bill, which has passed the other House and which has been sent over here. The conferees on the part of the Senate did everything which could be done in order to obtain an agreement. We have done the best we could.

We secured many recessions from objections of the House to Senate amendments; we have brought the bill here, and, as one of the conferees on the part of the Senate, I desire the Senate to know that, in my judgment, we can not get an agreement if we send the bill back to conference. I therefore hope the conference report will be adopted.

Mr. JONES of Washington. Mr. President, I do not criticize our conferees at all; I am satisfied that they did the very best they thought they could do under all circumstances; but the Senator from Kansas suggested, or at least I got the impression from what he said, that there had been a discussion in conference with reference to the State of Washington item, as to taking the money out of the Treasury and putting it back into the trust fund. I should be glad to see some provision with reference to that matter, and I hardly think there would be any objection to it if the conferees should report such a provision. I should like to avoid, if possible, having to go over this whole matter in a legislative way again over a period of years. If I had the money and were pretty well to do, I would give them a check for it and get rid of it, but I can not do that. If the conferees could suggest a provision under which some of this money would be taken from the trust fund and put back where it was before it was transferred to the Treasury, I do not believe there would be any objection to the adoption of such a provision.

Of course, in a way, I can not see where that would really amount to much; for if this money ought to be paid, it ought to be paid. The trust fund has all gone into the Treasury, and we would not in a way gain by bringing it out; but if that is the way it is desired to deal with it, I should like to see it done in that way, so as to have the matter settled.

Mr. CURTIS. Mr. President, the conferees on the part of the Senate took exactly that position in the conference, but we were unable to reach an agreement as to an amendment that could be put into the bill. It was suggested, as has been stated, that the matter wait until the next session for additional legislation to ascertain the condition of the fund, and see if some arrangement could not be made to provide for the disposition of the money. I will state that we went so far as to figure out the deductions that should be made, and to try to get the conferees on the part of the House to agree upon ninety-one thousand six hundred and some dollars, but we could not get them to agree to such a provision.

Mr. DILL. Mr. President—

Mr. CURTIS. I will yield to the junior Senator from Washington, unless he wants the floor, and, if he wants the floor, I will yield the floor.

Mr. DILL. If the Senator from Kansas will yield the floor, I wish to make merely one other additional observation.

My colleague the senior Senator from Washington [Mr. JONES] spoke of all the steps that had been taken in the way of investigation and legislation. In addition, the Budget Bureau approved this item, and it came in the regular way in the Interior Department appropriations. The committee of the House of Representatives refused to put it on, but the item was put on in the Senate as a regular item, and has been disagreed to by the House. As I understand the discussion that occurred, the reason the House objects to the item is that they do not want to set the precedent of taking money out of the Treasury of the United States in order to pay the taxes on Indian lands.

The reason why that provision was made was that \$265,590.87 was to the credit of these Indians until 1915 for the purpose of support and civilization of the Indians and for the payment of this very kind of taxes. That amount, however, was covered into the Treasury by the Comptroller of the Treasury. He simply took into his own hands the power to transfer that money; there was no legislative authority given him to do so, but when the question was first raised as to whether

the counties of Stevens and Ferry had a right to receive this refund in 1915 the comptroller at once proceeded to cover this \$265,590.87 into the Treasury so that there would not be any fund there out of which it could be made. It is because of that action that this bill carries the provision inserted by the Senate.

It has been suggested here that other legislation might be enacted. The only legislation that could be enacted would be to pass the bill to put back into the trust fund what the comptroller under his general authority assumed he had the right to put into the Treasury. It seems to me that the situation is so clear that there is no excuse for refusing to pay this \$91,000 out of the money that is in the Treasury, and which, if the law had been carried out, would still be there to the credit of those Indians.

Mr. CARAWAY. Mr. President, may I ask the junior Senator from Washington a question?

Mr. DILL. Yes.

Mr. CARAWAY. Is it the contention of the Senator from Washington that the comptroller took that money that did not belong to the United States?

Mr. DILL. The money, under the laws of 1892 and 1906, was put in a fund for the support and civilization of the Indians, the building of roads, and the payment of taxes on Indian lands in the counties referred to. It remained in the fund until 1915, and then the comptroller simply on his books transferred the two hundred and sixty-odd thousand dollars to the Treasury funds.

Mr. CARAWAY. There was a ruling to that effect, then?

Mr. DILL. He made the ruling.

Mr. CARAWAY. That the money did not belong to the Indians?

Mr. DILL. He just covered it in under a ruling.

Mr. CARAWAY. He said it did not belong to the Indians.

Mr. DILL. Yes.

Mr. CARAWAY. Let me ask the Senator another question. Instead of coming to Congress, if it were an illegal act, why not have permission to go to the Court of Claims and allow it to be settled in that way?

Mr. DILL. The point is this: We would have to come to Congress to get the money appropriated, even if it were in a trust fund.

Mr. CARAWAY. I so understand, but the court could determine the question whether it belonged to the Indians or did not belong to the Indians; that would be a question of law.

Mr. DILL. The comptroller simply took the position that he would cover it into the Treasury, and there is no reason to go to the Court of Claims. He violated the law, which provided that the money should be held in this trust fund.

Mr. CARAWAY. If he did, then the court would say so.

Mr. DILL. If we have to go to the Court of Claims, we will be obliged to wait for 10 or 15 years. It is simply a matter for Congress to act upon, it seems to me. So I think this item ought to go back to conference, and I think the bill ought to go back also on the question of the internal-revenue building. I hope the report will be sent back to conference.

Mr. FLETCHER. Mr. President, just a word further on this subject. It seems to me that if this report is rejected and the bill goes to further conference the point raised by the Senator from Kansas with reference to some suggestions of amendment to the provision in the bill inserted on motion by the Senator from Washington could be covered by the Senate receding with an amendment. Such action the conferees have the power to take; and the same action should also be taken in reference to the amendment offered by the Senator from Utah [Mr. SMOOT] providing for an internal-revenue building. If the House conferees insist upon specifying a location for that building, the Senate conferees could recede with an amendment, and if such amendment were in the report when finally agreed to that would settle the matter. I see no reason why the conferees can not recede from the amendment offered by the Senator from Utah with an amendment which would specify the location of the building and thus close the matter. If the location were found to be objectionable, the question would come back for further consideration.

I have never opposed the construction of the building proposed to be erected by the Senator from Utah; I have never opposed the general plan for the construction of other buildings in the District. I thought, however, that I should insist upon taking care of those buildings which had been authorized for 10 years past and for which appropriations have partially been made, but as to which contracts could not be let, in some instances, and the buildings could not be constructed because there was need of additional appropriations. Those are the only instances that are covered by the amendment offered by

me. It involves no interference with any general public building plan or bill. If those two amendments to this bill should be adopted, they could have no earthly effect upon any future public buildings bill.

They have had from the start no relation to the general public buildings bill or policy at all. The amendment which I have offered never contemplated any general public-building plan. Some newspaper, without any justification whatever, was kind enough to refer to it as a pork-barrel proposition and stated that I insisted upon putting on the bill of the Senator from Utah an amendment providing for a general public-building plan. The truth was just to the contrary, that all I have attempted to take care of were buildings which have been authorized and for which appropriations have been made, and then only where the appropriations have been found to be inadequate.

Mr. ROBINSON. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Arkansas?

Mr. FLETCHER. I yield.

Mr. ROBINSON. The Senator's amendment conforms strictly to the rule relating to deficiency appropriations. It provides only for those buildings that have already been authorized.

Mr. FLETCHER. Precisely; that is true; and I base the amount carried by the amendment upon estimates from the Treasury Department, and the amount at first supposed to be required for this purpose has been reduced on account of the modification of certain plans and the letting of contracts in certain instances where they could be let subsequent to the time when they first attempted to let them. The amount provided by the amendment is the amount needed, and the amendment further gives authority to enter into contracts and to disregard the limit of cost for such projects fixed by the Congress in the original bill, so as to enable them to utilize the fund to complete the buildings which have been authorized.

There are some nine and a half million dollars in this fund appropriated years ago and not used at all. The people are denied the conveniences which should be furnished and were authorized to be furnished. So great is the need that in some instances the mail is being handled on the sidewalks in various places throughout the country. They are not here to speak for themselves; they have heretofore done all they could in securing the legislation adopting the sites, authorizing the buildings, and actually making appropriations which were supposed at the time to be sufficient to erect those buildings, but for 10 years they have been waiting for the Government to go on and do what it intended to do and what it was supposed in various communities all over the country would have been done long ago.

I can not see how the objection to the amendment of the Senator from Utah and the amendment which I have offered to this bill—his amendment taking care of a much-needed building in the District of Columbia for the Internal Revenue Bureau, and mine taking care of these conditions over the country, where a certain amount is required in each instance to carry out what the Government has heretofore undertaken to do—can be based on the idea that they have any sort of relation to a general public buildings policy at all. The mere fact that we are not able at this time to enact a general public buildings bill is no argument whatever against these amendments; and if this report is rejected and the bill goes back to further conference I believe that the House itself, if given the opportunity, will approve both these amendments. I have not any question in my own mind—and I am not saying this without information on the subject, very material and reliable information—that if the House itself has the opportunity, it will vote for these amendments to the bill; and I think the result will be that its conferees will be instructed to recede from the objection to these amendments. Therefore, I hope the bill will go back to conference.

Mr. McKELLAR. Mr. President, before the Senator takes his seat, will he let me say just a word by way of reinforcement of what he has said about the House? I am told by House Members on both sides of the aisle that they are very desirous of getting an opportunity to vote on this matter, and they believe that if that opportunity is afforded both of these proposals will be carried.

Mr. FLETCHER. I am much obliged to the Senator.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wyoming [Mr. WARREN] that the Senate agree to the conference report on House bill 12392.

Mr. FLETCHER. On that I call for the yeas and nays.

Mr. JONES of New Mexico. Mr. President, I should like to say just a word upon this motion.

It seems to me that no just reason has been or can be advanced by the conferees on the part of the House regarding some of these provisions. The only reason that I have heard as to why the conferees on the part of the House are not willing to agree to the amendment which the Senate put upon this bill regarding the completion of these public buildings is that we should put it upon a general public buildings bill which has passed the House and been sent over to the Senate. In other words, the attempt is made to force the Senate to take up for consideration a bill which from its very nature is going to require at least extended discussion in this body, and, as some of us at least believe, a discussion which would extend beyond the period of this session of the Congress.

That general buildings bill appropriates \$150,000,000 for public buildings, to be expended at such places and within such time as may be recommended by the Secretary of the Treasury. It is quite apparent that for such a measure as that to receive favorable consideration by the Senate will require extensive debate, and in my humble judgment it has no chance in the world of becoming a law at this session of Congress.

Moreover, as has already been stated, this item is a deficiency item. Ten or twelve years ago the Congress of the United States not only authorized the construction of these buildings but made appropriations which at that time were sufficient to construct the buildings; but, owing to the increased cost of building incident to the war and conditions growing out of the war, deficiencies exist. They can not be constructed with the amount of money which the Congress has previously appropriated; and so now we are confronted with the single proposition: "Shall this deficiency in appropriations be supplied?"

In my humble judgment, this bill has nothing to do with the general buildings bill to which the conferees on the part of the House make reference. The law has already authorized the construction of these buildings; and are we going to put it in the power of the Secretary of the Treasury to say that these buildings shall not be constructed? Shall we turn back to the Treasury the appropriations which have been heretofore made for this purpose?

It seems to me, Mr. President, that it is idle on the part of the conferees of the House to say that this should await the general buildings bill. It has nothing to do with it. There is nothing in that public buildings bill which repeals the laws under which these various buildings were authorized; and it seems to me—and I desire to emphasize this with all the earnestness of which I am capable—that the excuse offered by the conferees on the part of the House can furnish no substantial reason for their disagreement.

I submit that they should take this bill back to the House and let the House vote upon it. These buildings have already been authorized by law, and appropriations sufficient for their construction were provided; and it is only because of the exigencies growing out of the incidence of war that they are not already built. All that we ask is that these deficiencies shall be supplied. There is no other bill which can be presented to the Senate which is more appropriate for dealing with this subject than this deficiency appropriation bill.

Mr. President, there is another item in this bill which, it seems to me, no excuse has been or can be offered for striking out of the bill. The Public Lands Committee has pending before it a number of bills for the lease of the public domain, for increasing the various provisions of the homestead laws, for turning the public domain over to the States in order to get rid of the enormous appropriations which are necessarily made every year to keep up land offices, far in excess of the revenues which the Government is deriving from these public lands. Your Committee on Public Lands is faced with those various measures. There is not a member of that committee who has enough information regarding these lands to enable him to act intelligently in the consideration of these various bills. What we insist upon is that there shall be a committee to obtain this information, to ascertain where these lands are, how they are intermingled with private holdings, and what class of lands they are, so that the Congress may know how to deal with them.

We have asked for a joint commission of the two Houses to gain this information, study these problems, and suggest legislation to the Congress. For what reason could the conferees on the part of the House object to that provision, which was put on this bill by unanimous vote of the Senate, creating a joint commission?

We can create a commission of the Senate ourselves; but it seemed to the members of the Public Lands Committee that there should be a joint commission representing the two bodies of Congress. The other day we passed a concurrent resolution creating this commission. Owing to the congestion in the House, and the probability that it might not be reached for the House to act upon it, the Senate put it upon this bill. It is here; and what reason can the conferees on the part of the House offer for rejecting such an amendment as that, and insisting upon its rejection to the extent of defeating the whole deficiency bill?

Mr. President, I say that this bill should go back to conference, and it should go back with the distinct understanding that if the House conferees are not willing to agree to the provisions which the Senate has unanimously put upon the bill they should at least submit these questions for a vote of the House which they pretend to represent.

Mr. BROUSSARD. Mr. President, I wish to indorse the protests that have been made against the report of the conferees. I wish to indorse what has been said with reference to the elimination of the amendments adopted by the Senate with reference to public buildings. These amendments, if taken back to conference, would require submission to the House; but I rose, Mr. President, for another purpose than to urge that which has been so well urged by others.

I proposed an amendment to this deficiency bill which was adopted. It increased by a very small amount the amount which the House had adopted. It is not an important matter, so far as the amount is concerned, but it does concern my people very much, and it also concerns the people of the States of Mississippi, Alabama, Georgia, and Florida.

I understand, from rumors that have reached me, that there was a misunderstanding on the part of the conferees as to the attitude of a Member of Congress coming from the largest sugar-producing district of my State. I have since found out that this gentleman is very much in favor of the increase which the Senate adopted, and if the bill goes back to conference I wish to ask the conferees to reopen that matter, and try to secure an agreement on the part of the House conferees to the amount which the Senate adopted under my amendment.

Mr. WARREN. Mr. President, as I understand it, this is the situation: We have submitted a report of the conference committee and asked for its adoption. The rules of the Senate provide that under those circumstances there shall be an immediate vote. I have refrained from making a point of order against the debate, because I thought it would facilitate business for us to find out what matters of complaint there might be, so that we might get an early adoption of the conference report.

In the conference we secured some 40 or more recessions on the part of the House, and there were some further matters as to which the House will be advised by its conferees to recede, which will bring the number of recessions up to more than 50. On the other hand, there are some 15 matters on which the Senate conferees have been compelled to surrender. I can easily see that this discussion may develop into a discussion by those who may feel injured as to those 15 matters.

Of course, my judgment is perhaps no better than that of others; but my judgment is that we have made the best adjustment we can make, and that we shall not be successful in having other changes made. If the bill shall be sent back to conference we will give our best efforts in trying to have the amendments of the Senate agreed to.

It must be understood that we take a chance in sending a matter before the House at this late date when they are all very busy, when many are seeking recognition to press some particular measures. When their conferees state their side of the case in the matter of these complaints they are almost sure to win in the House, and it is a question of whether we want to take that chance or whether we shall at once adopt the conference report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. McLEAN], which I transfer to the senior Senator from Tennessee [Mr. SHIELDS], and vote "nay."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the necessary absence of the junior Senator from Wisconsin [Mr. LENROOT]. If present he would vote "yea."

Mr. ERNST. I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from Wisconsin [Mr. LENROOT] and vote "yea."

Mr. SIMMONS (after having voted in the negative). I have a general pair with the junior Senator from Oklahoma [Mr. HARRELD]. I transfer that pair to the junior Senator from Montana [Mr. WHEELER], and allow my vote to stand.

The result was announced—yeas 32, nays 49, as follows:

YEAS—32			
Ball	Curtis	Johnson, Calif.	Norris
Bingham	Dale	Keyes	Overman
Borah	Deneen	King	Pepper
Bursum	Edge	McKinley	Reed, Pa.
Butler	Ernst	McNary	Spencer
Capper	Fernald	Means	Warren
Couzens	Fess	Metcalf	Weller
Cummins	Hale	Moses	Willis
NAYS—49			
Ashurst	George	Neely	Smoot
Bayard	Gerry	Norbeck	Stanfield
Brookhart	Glass	Oddie	Stephens
Broussard	Gooding	Pittman	Sterling
Bruce	Harris	Ralston	Swanson
Cameron	Heflin	Ransdell	Trammell
Caraway	Howell	Reed, Mo.	Underwood
Copeland	Johnson, Minn.	Robinson	Walsh, Mass.
Dill	Jones, N. Mex.	Sheppard	Walsh, Mont.
Edwards	Jones, Wash.	Shipstead	Watson
Ferris	Kendrick	Shortridge	
Fletcher	McKellar	Simmons	
Frazier	Mayfield	Smith	
NOT VOTING—15			
Dial	Harrison	McLean	Stanley
Elkins	Ladd	Owen	Wadsworth
Greene	La Follette	Phipps	Wheeler
Harreld	Lenroot	Shields	

So the conference report was rejected.

Mr. WARREN. Mr. President, we would hardly expect a matter of this kind to be allowed to remain on the table for any length of time at this late day in the session. I notice that no motion has been made to refer the bill back to the conference committee, and I therefore move that the Senate, insisting upon its amendments, recommit the bill to conference, and that the same conferees be appointed on the part of the Senate.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate insist on its amendments, that the bill be recommitted to conference, and that the same conferees be named.

The motion was agreed to, and the President pro tempore appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN conferees on the part of the Senate at the further conference.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 130) for the participation of the United States in an international exposition to be held at Seville, Spain, in 1927.

The message also announced that the House had passed the bill (S. 4209) to authorize the building of a bridge across the Santee River in South Carolina, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12344. An act to extend the time for the commencement and completion of the bridge of the Valley Transfer Railway Co., a corporation, across the Mississippi River in the State of Minnesota;

H. R. 12347. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River; and

H. R. 12376. An act to extend the time for the commencement and completion of the bridge of the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, across the Red River of the North on the boundary line between said States.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 5722. An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, and for other purposes;

H. R. 6442. An act for the relief of William H. Armstrong;

H. R. 9687. An act permitting the sale of the northeast quarter, section 5, township 6 north, range 15 west, 160 acres, in Conway County, Ark., to A. R. Bowdre;

H. R. 11818. An act granting the consent of Congress to the construction of a bridge across the Rio Grande;

H. R. 12033. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes; and

H. R. 12262. An act for the relief of certain enlisted men of the Coast Guard.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Commerce:

H. R. 12374. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River; and

H. R. 12376. An act to extend the times for the commencement and completion of the bridge of the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, across the Red River of the North on the boundary line between said States.

THE ELECTION OF THE PRESIDENT OF THE UNITED STATES BY THE HOUSE OF REPRESENTATIVES (S. DOC. NO. 227)

Mr. MOSES. I ask unanimous consent to submit a report from the Committee on Printing, and if the request is granted I ask further unanimous consent for the consideration of the report.

The PRESIDENT pro tempore. Is there objection?

Mr. ROBINSON. May we have a statement of what the resolution is?

Mr. MOSES. It is a resolution authorizing the printing of a manuscript prepared by the Legislative Bureau in the Library of Congress with reference to the election of a President by the House of Representatives in the event of failure by the Electoral College so to elect. The manuscript was submitted by the senior Senator from New Mexico [Mr. JONES] and referred to the Committee on Printing. The committee now reports favorably that it be printed as a Senate document.

Mr. ROBINSON. I have no objection.

The resolution (S. Res. 354) was considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscript entitled "The Election of the President of the United States by the House of Representatives" be printed as a Senate document.

MEETING OF INTERPARLIAMENTARY UNION

Mr. McKINLEY. Mr. President, I ask unanimous consent for the consideration of the resolution which I send to the desk.

The PRESIDENT pro tempore. The Clerk will report the resolution for information.

The Chief Clerk read the resolution (S. Res. 355), as follows:

Resolved, That the chairman of the Committee on Rules of the United States Senate is hereby authorized to allow, so far as he may deem wise and under such regulations as he may determine, the use of the Senate Chamber and adjacent rooms for the meeting of the Interparliamentary Union between October 1 and 6, 1925.

Mr. SMOOT. Mr. President, I want to ask the Senator presenting the resolution if it has been taken up with the Rules Committee.

Mr. McKINLEY. It was taken up by the chairman of the Rules Committee, who consulted with some of its members. It was not reported out by the committee. It is perfectly agreeable to him, and he authorized me so to say.

Mr. SMOOT. I do not recall a resolution of this kind ever having been presented before and I was wondering whether it was a proper resolution to pass on account of the precedent that will be established.

Mr. McKINLEY. I will say to the Senator that the Interparliamentary Union meets in the capitals of the various nations. I have attended some 10 of those meetings and they are always held in the hall of the house of representatives or the senate of the respective countries. The members of the Interparliamentary Union are all members of the governing bodies of the various nations. There is no other membership.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SMOOT. If the chairman of the Rules Committee has given it consideration and it meets his approval, I shall not object.

Mr. SIMMONS. Mr. President—

The PRESIDENT pro tempore. The question is not debatable at this time.

Mr. SIMMONS. I suggest to the Senator that he have the resolution referred to the Committee on Rules and let them act upon it. If that is done, it will relieve the situation to some extent.

Mr. ASHURST. Mr. President—

The PRESIDENT pro tempore. The Chair will not allow any extended debate on the question.

Mr. ASHURST. I would like to be heard for a couple of minutes. I hope there will be no objection to the resolution.

Mr. SIMMONS. I have no objection to it, but I think it ought to go to the Committee on Rules. We ought not to act in this way without consideration by the committee, because we will be called upon soon to do it for some other purpose. If the resolution goes to the Committee on Rules, I have no doubt they will report it back in a very short time, probably within an hour.

Mr. McKINLEY. The chairman of the Committee on Rules, who has gone to a meeting of a conference committee, authorized me to say that he was favorable to the resolution, that he had spoken to some of the members of the Committee on Rules, but had not been able to see them all, and that they had not officially acted.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. JONES of Washington. I think it ought to go to the Committee on Rules.

The PRESIDENT pro tempore. Does the Senator from Washington object?

Mr. JONES of Washington. Yes; I object.

Mr. McKINLEY. Let the resolution be referred to the committee.

The PRESIDENT pro tempore. Objection is made; and the resolution will be referred to the Committee on Rules.

AMENDMENT OF THE PROHIBITION ACT

Mr. STERLING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from South Dakota?

Mr. EDWARDS. For what purpose?

Mr. STERLING. For the purpose of making a statement concerning the bill (H. R. 6645) to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department, and to define its powers and duties, and in reference to further proceeding with the bill or discussion of the bill or any motion that is pending.

Mr. EDWARDS. I will yield in just a moment. I will close my remarks in a moment, and will yield then to the Senator from South Dakota for that purpose.

Mr. President, I have no desire to prolong the discussion or interfere with legislation that may properly come before the Senate. I have considerable documentary evidence and other matter here which I ask leave to have printed in the RECORD as a part of my remarks, and when that consent is granted I shall then be very glad to yield to the Senator from South Dakota without further discussion.

I ask unanimous consent to incorporate in the RECORD as a part of my speech the remainder of the committee report which I was reading.

The PRESIDENT pro tempore. The Senator from New Jersey asks unanimous consent that there be printed in the RECORD in connection with his speech the report of the committee—

Mr. MOSES. Mr. President, I want to understand what the Senator is asking to have printed in the RECORD. It is not his own matter?

Mr. EDWARDS. No; it is documentary, entirely.

Mr. MOSES. That comes within the rule.

Mr. EDWARDS. I can read it if the Senator wants me to do so.

Mr. MOSES. The only thing we insist upon hearing are the Senator's own utterances.

The PRESIDENT pro tempore. Without objection, the request of the Senator from New Jersey is granted.

Mr. EDWARDS. I understand my request has been granted. The PRESIDENT pro tempore. The report to the committee to which the Senator referred is ordered printed in the Record, together with the letters to which he has referred, but no part of the original matter of the speech of the Senator is included in that consent.

Mr. EDWARDS's speech is entire as follows:

Mr. EDWARDS. Mr. President, since the Cramton bill passed the House, June 5, 1924, its friends themselves have been unable to agree upon its provisions. At first they thought they wanted it enacted into law just as it passed the House, without the dotting of an "i" or the crossing of a "t," as was evidenced by their efforts to rush it through the Senate in 48 hours. It will be recalled that it was messaged to the Senate the same day it passed the House, referred to the Judiciary Committee, and the next day, June 6, 24 hours before adjournment, was reported favorably by the committee, without amendment, without a hearing, without consideration—word for word as it came from the House.

When Congress convened the first Monday in December friends of the Cramton bill were of the same opinion they were when it was originally reported to the Senate the 6th of June, and made it clear they intended to deny hearings and push the bill through unamended. Vigorous protests from the legitimate trade in alcohol for use in the industries, however, forced the sponsors of the bill from their untenable position, and on the 13th of December it was recommitted to the Judiciary Committee. Hearings were held December 18 and 19 and January 7, 8, and 9. Approximately a month later, February 7, the bill was again favorably reported, but with amendments very materially changing its provisions.

For instance, the salary of the Prohibition Commissioner was changed from \$10,000 to \$7,500. The salary of the prohibition solicitor was changed from \$7,500 to \$6,500. Again, the provision affecting penalties, assessments, and adjustments was made to apply to the Prohibition Commissioner instead of the Prohibition Bureau. In the bill as it passed the House this provision read:

The Bureau of Prohibition shall be charged with the duty of determining all administrative penalties, proposed assessments, compromises, and adjustments relating to intoxicating liquors and narcotics, and all statutes of the United States which shall hereafter be enacted relating thereto.

In the bill as reported by the Judiciary Committee, after the hearings referred to, this provision reads:

The Commissioner of Prohibition shall be charged with the duty of making all assessments; and—with the approval of the Secretary of the Treasury—affecting all compromises arising out of intoxicating liquors and narcotics.

Again, aside from these changes in the phraseology of these provisions, two highly important provisions of an entirely new nature are found in the bill as we now have it, following the hearings referred to, and nearly a month's consideration. The first substitutes a division of industrial alcohol and a division of nonbeverage alcohol for the division of industrial alcohol and chemistry. The provision as it originally passed the House and as it was indorsed by the Senate Committee on the Judiciary read:

To better effectuate the provisions of section 13, Title III, of this act (the Volstead Act), there shall also be in said bureau a division of industrial alcohol and chemistry, the chief of which shall be a graduate chemist and a person of knowledge and experience in the manufacture, distribution, and industrial uses of ethyl and denatured alcohol, who shall be appointed by the commissioner with the approval of the Secretary of the Treasury, and receive a salary of not more than \$7,500 per annum. Such division of industrial alcohol and chemistry shall administer the manufacture, distribution, sale, and use of ethyl and denatured alcohol for all nonbeverage purposes in such manner as to insure an ample supply and promote the use thereof in scientific research and the development of lawful industry.

The provision in the bill in charge of the Senator from South Dakota [Mr. STERLING], as reported following the hearings referred to and nearly a month's consideration, reads:

There shall be in said Bureau of Prohibition two divisions as follows:

(1) A division of industrial alcohol, the chief of which shall be a graduate chemist and a person of knowledge and experience in the manufacture of ethyl and denatured alcohol, and the industrial uses of denatured alcohol, who shall be appointed by the commissioner with the approval of the Secretary of the Treasury, and receive a salary of not more than \$6,000 per annum.

Such division of industrial alcohol shall administer the laws and the regulations promulgated thereunder relating to the manufacture of ethyl alcohol, and the laws and the regulations promulgated thereunder relating to the manufacture of, the issuance and revocation of permits for the distribution, sale, and use of denatured alcohol in such manner as to insure an ample supply of alcohol, and to provide for the use of denatured alcohol in the development of lawful industry.

(2) A division of nonbeverage alcohol, the chief of which shall by technical training and practical experience have a thorough knowledge of the use of ethyl alcohol and other liquors, and in the manufacture of articles in which the use of ethyl alcohol and other liquors is authorized under the provisions of the national prohibition act, who shall be appointed by the commissioner with the approval of the Secretary of the Treasury, and receive a salary of not more than \$6,000 per annum.

Such division of nonbeverage alcohol shall administer the laws and the regulations promulgated thereunder relating to the issuance and revocation of permits for the distribution, sale, and use of ethyl alcohol and other liquors for manufacturing and all other nonbeverage purposes.

It will be noted that in the original provision creating a division of industrial alcohol and chemistry the chief was to receive a salary of \$7,500, whereas in the committee's amendment it is provided that the chief of the division of industrial alcohol shall receive \$6,000, and the chief of the division of nonbeverage alcohol shall receive a salary of \$6,000. This represents an increase of \$4,500 as an offset to the saving of \$3,500 on the salary of the Prohibition Commissioner and the prohibition solicitor, thus making it plain that the proposed scaling of the salaries of these two officials was for some reason other than economy.

The second brand new provision written into the bill by the Senate Judiciary Committee, following the hearings referred to and the nearly month's consideration given it, provides for a board of review of three members to be appointed not by the Prohibition Commissioner but by the Secretary of the Treasury, and reads:

All regulations and decisions respectively issued and made by the commissioner or the chiefs of such divisions of industrial alcohol and nonbeverage alcohol relating to permits of all kinds; permit holders of every class; the issuance and revocation of permits for the withdrawal, purchase, sale, and use of ethyl or denatured alcohol or other liquors, and the imposition by the commissioner of penalties or assessments of every kind shall be subject to review by a board consisting of three members appointed by the Secretary of the Treasury: *Provided*, That no member of such board shall be connected with or employed in the Prohibition Bureau.

Such board shall designate one of its members chairman, and any interested person, firm, or corporation may file with the chairman an application for review of such regulations, decision, imposition of any penalty or assessment, and such application for review shall be heard and decided by said board within 30 days after filing, and the commissioner thereupon shall forthwith conform such regulation, decision, penalty, or assessments to the decision of said board: *Provided, however*, That a date for such hearings shall be fixed by said board, and not less than five days' notice of the time and place of such hearing shall be given to the applicant and the commissioner, both of whom may present evidence, oral or written, in person or by an attorney, or other authorized representative: *And provided further*, That the applicant or the commissioner may have a decision of said board reviewed by an appropriate proceeding in a court of equity which may affirm, modify, or reverse the decision of said board.

This new provision is quite unsatisfactory to some of the original friends of the bill. I cite as proof of this statement as well as my statement heretofore made that the friends of the bill themselves can not agree on its provisions, the following excerpt of a statement by the board of temperance, prohibition, and public morals of the Methodist Episcopal Church, 110 Maryland Avenue NE., Washington, D. C., in its clip sheet, February 16, 1925, under the caption "Amend the Cramton bill on the floor":

As it now reads the bill provides that appeals from the head of the industrial alcohol division will go directly to the board of review. Under this arrangement the commissioner will have no authority—only the privilege of taking the blame for things other men have done.

Under the bill it is provided that the members of the board of review shall be appointed by the Secretary of the Treasury, independently and directly, and that these members can not be members of the Prohibition Unit.

This board of review will have power to revise or revoke regulations—absolutely ignoring the commissioner if it so desires. Even regulations made by the commissioner and approved by the Secretary

of the Treasury himself could be changed by this board of review. Here once again is a decentralization of responsibility. The bill should be amended at this point.

If the writer of this criticism had given a more careful reading to the provision creating the board of review he would have noted that it applies to the appeals from the commissioner and the chief of the nonbeverage alcohol division the same as it applies to the chief of the industrial alcohol division.

Mr. President, I have received numerous protests from legitimate users of alcohol against the Cramton bill. One comes from Dr. Martin H. Ittner, chairman committee on industrial alcohol, American Chemical Society, and chief chemist for Colgate & Co., large manufacturers of soaps and toilet articles, New York City. Doctor Ittner is no stranger to me. I know him well and favorably. He appeared before the Senate judiciary subcommittee, January 7, 1925, and his testimony appears on pages 121 to 125, inclusive, of the Hearings, Part II. Doctor Ittner tells me industrial alcohol users are against the Cramton bill—not on a wet-and-dry basis—nor on political grounds—but because they fear it will prove inimical to legitimate business interests. His contention is that Congress should protect rather than embarrass the legitimate trade, and I quite agree with him. I asked him to submit a memorandum of his views on the bill to me for my information and consideration. He has done so. I have read it carefully, and my judgment is it is a real contribution to the discussion of the various provisions of the bill. To that end I ask the indulgence of the Senate while I read it. It follows:

DR. MARTIN H. ITTNER'S STATEMENT

The Cramton bill, H. R. 6845, would create a new Bureau of Prohibition in the Treasury Department. This bill would transfer to the new bureau thus created authority to administer the national prohibition act, all the various other acts pertaining to the manufacture, distribution, sale, and use of alcohol both pure and denatured and liquor, and the acts pertaining to narcotics. Its authority would permit it to ditch the various regulations which have gradually been built up by experienced men as an aid to the administration of these various laws, and to substitute new regulations of its own making.

The present Prohibition Unit has shown a strong inclination to disregard the long experience gained by the Internal Revenue Bureau by the issuance of many new and drastic orders which were aimed to correct a single evil but when put into force were found to be so unfair and objectionable that the Commissioner of Internal Revenue was forced, in the interests of justice, to rescind such orders.

The administration of the national prohibition act is at present vested in the Commissioner of Internal Revenue. The bureau over which he presides has for years administered all laws pertaining to alcohol pure and denatured and liquor. This bureau has always been one of the most efficient branches of the Government, both in the personnel of its officers and in the administration of the law. The national prohibition act is at present administered by a Commissioner of Prohibition who holds office as an assistant to the Commissioner of Internal Revenue. He is not now lacking any authority that should be conferred upon him or that is necessary to the proper enforcement of the national prohibition act, and all the powers necessary to such enforcement are delegated to him and have been exercised by him since the inception of prohibition. There is nothing in the present law which would limit the proper exercise of authority by the Prohibition Commissioner. In the present administration of the law the acts of the Prohibition Commissioner are subject to review and reversal by the Commissioner of Internal Revenue, an officer experienced in these matters and competent to pass upon them. From time to time, cases have been referred to the Commissioner of Internal Revenue which demanded his attention and a reversal of some of the acts of the Commissioner of Prohibition. There is not a single case on record where the Commissioner of Internal Revenue has exceeded his authority or where his action in so reversing the Prohibition Commissioner has been anything but an act of simple justice.

The Prohibition Unit, instead of seeking to enforce the law in the most efficient manner by taking full advantage of expert chemical advice in properly investigating permittees, in detecting diversions, in seeking to stop them and in prosecuting violators of the law, has continuously exercised carelessness in the granting of permits to new concerns which had never used alcohol before, has permitted alcohol to go out in large quantities to such concerns, has been lax in recognizing diversions which might in many cases have been prevented at the start or have been detected sooner had they utilized the expert experience of the bureau.

The long [statement of Prohibition Commissioner before House Committee on Appropriations] list containing hundreds of prohibition-enforcement officers whose services the bureau has been forced to dis-
pense with owing to bribery, dereliction, and other forms of miscon-

duct in office is evidence that many diversions are due not to a lack of authority of the Prohibition Unit but to improper enforcement of the law. Instead of going directly at these violators, the unit has sought to hamper them by indirect means. They have placed unnecessarily burdensome restrictions upon the legitimate users of alcohol and liquor and even on the users of denatured alcohol, going on the general principle that the nearer they come to stopping the use of alcohol entirely the closer they approach perfect enforcement. It is a notorious fact that some of the long-established, reputable manufacturers requiring alcohol in their business have met with unnecessary delay and restrictions. Only last summer the prohibition commissioner, in order to strike an indirect blow against a few suspected diverters of alcohol, sent orders to all collectors of internal revenue, who take orders from him, to require of all alcohol permittees that they demand of jobbers to whom they sold their manufactured articles made with the use of alcohol, as a condition of sale, that their books should at all times be open to inspection by any prohibition officer or State officer, and that failure to impose this requirement upon the manufacturer's customer might possibly lead to revocation of his permit to use alcohol. Congress has long sought by statute to prevent manufacturers from imposing conditions of resale on those to whom they sell their goods, and the Supreme Court has declared against such control by manufacturers. Yet the Prohibition Unit, knowing fully the illegality of such a measure, sought to impose this burdensome condition upon all manufacturers using alcohol legitimately. This is an illustration of one of the cases where the Commissioner of Internal Revenue was forced to step in and rescind the action of the prohibition commissioner by permitting noncompliance with the order.

Those most active in prohibition enforcement, instead of recognizing the rights of industry and working in harmony with them, to the advantage of both prohibition enforcement and industry, have continuously sought new legislation which would put as much authority as possible in the hands of a prohibition commissioner and have sought every means to avoid as far as possible appeal from his acts. It was only a short time ago that they tried through the Ernst-Wood bill to create an officer who might draw his regulations himself, without requiring the authority of any other officer, whose acts would not be subject to court review, and who would be subject only to the President of the United States, an officer manifestly too busy to review and reverse his acts or to give needed relief in the innumerable cases that would develop. The Cramton bill would be but little better in its operation. The Commissioner of Prohibition would nominally be under the Secretary of the Treasury, one of the busiest officers of the Government, instead of, as at present, under the Commissioner of Internal Revenue, who is the man most experienced in matters pertaining to alcohol and liquor. The provision in the Cramton bill for a review in a court of equity is entirely inadequate, just as the provision in the national prohibition act is inadequate. This act provides for court review only in cases pertaining to the action of the commissioner with regard to permits. There is no provision in the national prohibition act or in the Cramton bill which would give one relief by applying to the courts in numberless other cases of abuse which might arise, either due to an overstepping of authority or a failure in the performance of duty on the part of the commissioner or of any of his subordinates. In the present law the right of appeal to the experienced Commissioner of Internal Revenue makes up partly for the lack of court review.

The Prohibition Unit has thus far failed to fully recognize that the national prohibition act provides not only for prohibition enforcement, but with equal importance for the manufacture, distribution, sale, and use of alcohol, pure and denatured, and liquor for legitimate industrial and medicinal purposes. They have failed to recognize that they have no authority to neglect the proper enforcement of this portion of the law and to give greater weight to the prohibition enforcement portion of the law. All portions of the law should be enforced impartially. This has not been the case, and there has been heretofore an ever-present tendency in the Prohibition Unit to superimpose the needs, or supposed needs, of prohibition enforcement upon the needs of legitimate users. Although the prohibition enforcers and prohibition advocates tell us freely that they wish to encourage the industries, their unnecessarily burdensome restrictions often belie their statements.

The Cramton bill is a measure aimed to give added authority to the prohibition commissioner, and would enable him to make still more burdensome restrictions on legitimate operation, and would increase the difficulty of obtaining relief from such restrictions. There should be no attempt at prohibition legislation which does not recognize fully and unequivocally the fundamental rights of the industries and of all legitimate users of alcohol, pure and denatured, and of liquor, to obtain all of the alcohol or liquor which their proper needs may require without unnecessarily burdensome regulations or restrictions. There is no authority in Constitution or law for any other course. Hastily conceived attempts at legislation drawn to meet the demands of fanatical or one-sided advocates of prohibition, without the proper cooperation of all of the legitimate interests which would be influenced by such legislation, can only result in disaster to our industries and would not add a single effective step to real prohibition enforcement.

The Cramton bill is another such ill-conceived, one-sided attempt at strengthening prohibition enforcement. It would fail utterly in accomplishing its purpose. It is opposed almost unanimously by all legitimate users of alcohol. Representatives of industries have begged that legislation of this character and so important should not be hastily pushed through Congress. They have repeatedly offered services that would lead, through their cooperation, in valuable constructive suggestions. The history of attempts to pass prohibition enforcement legislation is replete not only with disregard of the needs of industry, but with attempts to rush such legislation so rapidly that the objections of the industries might not be heard. This very bill passed the House last summer after suspension of the rules and after an undebated amendment had been adopted contrary to the recommendation of the Judiciary Committee of the House and against protests of members of the House Judiciary Committee. It was only due to the protests of Senators that an even more hasty action on the part of the Senate was prevented at that time.

Amendments have been proposed to this bill which would establish in the newly created bureau of prohibition two divisions, dividing among them some of the authority over administration of alcohol, pure and denatured, and liquor for legitimate purposes. This would defeat some of the ends that this bill was originally aimed to accomplish, namely, the greater centralization of authority. Some legitimate users of alcohol use both pure and denatured alcohol and would therefore be forced to operate under two divisions. In some cases the character of their product would change so that during one portion of a process the operation would be under one division and during another portion of the same process would be delegated to another division. This would not lead to efficiency either in manufacture or in enforcement, but would add to confusion. Representatives of most of the alcohol-using industries met in Washington recently and carefully considered these amendments, which would place a divided authority over legitimate users in two separate divisions, and declared almost unanimously in favor of placing the administration over all legitimate uses under one direct, experienced head instead of in two or more divisions. It is time that some one should recognize that all laws bearing on this subject treat of one of two things: The legal, commendable use of alcohol pure and denatured and liquor for legitimate purposes, and the improper, illegal use of alcohol or intoxicating beverages. The enforcement of the two portions of the law are important, and neither should be permitted to override the other. Any administration of the law which would place the control over legitimate users of alcohol or liquor completely in the hands of prohibition enforcement officers will fail to accomplish any good purpose. The Cramton bill is aimed to do this.

An officer whose training and ability would make him a competent prohibition enforcement officer would, in the nature of things, not have the qualifications necessary to recognize the needs of the industries. He should be a competent police officer and should exercise police functions and should address himself entirely to seeking out and punishing infractions of the prohibition end of the law. He needs no authority over the legitimate industries. If these are carried out in compliance with the law, their acts are not matters of his concern. If, on the other hand, any act is committed which is not legal, or if any diversion of alcohol or liquor should occur, the act being illegal and an infraction of the prohibition end of the law, it becomes at once a matter of concern of prohibition enforcement officers and passes from the authority of the officer administering the legitimate features of the law to the prohibition enforcement officers.

The industries and scientific societies of the country have repeatedly urged that the control of alcohol and liquor for all legitimate users should be centered in an officer of technical experience, a trained chemist familiar with the manufacture, distribution, and uses of ethyl and denatured alcohol and liquor. He should hold office either under the Commissioner of Internal Revenue or the Secretary of the Treasury and not as a subordinate of a prohibition commissioner. A man of such experience, with the organization with which he would surround himself, would know better than anyone else the needs of the industries and legitimate users, to the end that he could readily detect improper requests for alcohol and liquor, would best be able to decide if unnecessarily large quantities were being drawn, and if it were going into legitimate channels. In the same way, industry would be encouraged and benefited by his being able to recognize its needs as no one else might.

The greatest obstacle that stands in the way of procuring efficient prohibition enforcement is the one-sided and unfair attitude of some of the strongest advocates of prohibition. Realizing their command of votes on a purely wet and dry issue, they seek to confuse all legislation to the end that advocates and opponents shall be arrayed on a wet and dry basis. This absolutely prevents the proper consideration of most features of such proposed legislation on their merits. This is most unfortunate and is to be deplored, as the strongest advocates of some ill-advised attempts at legislation have often arrayed themselves in support of such legislation because of the claim that it

is a wet and dry issue and that otherwise prohibition enforcement would suffer. In spite of the fact that the Cramton bill does not involve the merits of prohibition and does not contain anything that would add to the efficiency of prohibition enforcement, its advocates seek support by making it a wet and dry issue.

If we admit, as we do, that drunkenness is bad and that diversion of alcohol to improper uses is also bad, we are really adding no argument for the adoption of the Cramton bill, yet this is the character of the argument most strongly urged for its adoption. In arguing for the bill, the attorney of a large prohibition body appeals to our emotions by saying that "many people are willing to gamble with their lives and health in order to satisfy a long-established thirst." He says "about 6,000,000 gallons of denatured alcohol have been withdrawn on Government permits under the control of the internal revenue collectors and reduced to whisky strength and sold for beverage purposes in violation of the law." He knows when he says this that he has no evidence that this is true. He knows that there are no Government records which show that any such quantity of denatured alcohol is diverted, that this figure was given as a guess by a Government officer who stated that any estimate could be not more than a guess, who gave a guess reluctantly, and who also said that the amount diverted "might be very much less." Assistant Prohibition Commissioner Jones testifying before the Judiciary Committee commented on this estimate and said he did not "believe anybody on earth could tell how much has been diverted," and that he believed the amount diverted was less. The diversion of denatured alcohol to illegitimate purposes is undoubtedly not so great as this, and the actual diversion is very much magnified in statements first quoted above for the purpose of influencing legislation.

It is true that some alcohol has been diverted to illegitimate channels. It is practically impossible that any large quantity could be so diverted without involving the collusion of one or more prohibition officers. Representatives of the legitimate industries have on a number of occasions called the attention of Government officials to the probability of diversion in specific instances, and the industries have at all times shown a willingness to cooperate with the Government in stamping out illegitimate practices. The correction of such abuses as exist lies in the proper enforcement of the law through the ample means already in the hands of the Prohibition Commissioner, and not in a complete upset of the law's administration involved in the transfer of important matters from the hands of a man of long experience to those bent on trying new experiments in administration. If the law sought only to change the manner of administration of prohibition the experiment would not be of vital importance and might even lead to improvement, as we will all admit that the administration of prohibition itself has not so far attained the high degree of success that has been claimed for it. The Cramton bill does not offer anything of advantage as a new experiment in prohibition enforcement, but serves only as the base for new and dangerous experiments in the administration of alcohol for legitimate business purposes.

In arguing for the necessity of this bill, prohibition enthusiasts tell us of the importance of placing authority over prohibition in the hands of the Prohibition Commissioner. They would have us believe that the Commissioner of Internal Revenue is continually putting obstacles in the way of the Prohibition Commissioner and that the latter is tied hand and foot for lack of authority to act. Exactly the reverse is the case. The Cramton bill would give no additional needed authority to the Prohibition Commissioner. The Commissioner of Internal Revenue delegated full powers to him for the administration of all parts of the national prohibition act, and these powers have been exercised by him from the beginning of prohibition. He has been responsible for the issuance of every basic permit to use alcohol, pure and denatured, and liquor. As a matter of fact, the Prohibition Commissioner has on more than one occasion taken extra legal action in issuing orders involving the rights of alcohol users. The Commissioner of Internal Revenue has not at any time interfered with the duties of the Prohibition Commissioner, and has only taken action with regard to acts which were recognized as illegal or unjust, and has given relief when appealed to and when the illegality or injustice of such acts had been pointed out to him.

The Commissioner of Internal Revenue, in order that he might be fully informed as to the needs of the industries and exercise the wisest judgment with regard to such needs in the best interests of the Government, surrounded himself with an alcohol trades advisory committee, drawn from the largest producers and users of industrial alcohol, both pure and denatured, representatives of the various drug making and selling industries, and representatives of the scientific societies, all of whom were familiar with the law and with its workings and with alcohol and its various legitimate uses, who gave freely their time and best thought and efforts to matters which he called to their attention for their opinion, and his acts have been largely guided by their judgment. The alcohol trades advisory committee, recognizing the importance of alcohol as a chemical raw material for manufacturers of this country and its need in the development of fuel, dye, and other lawful industries, issued a statement and recom-

mentations showing the importance of avoiding any new regulation or legislation that would put unnecessarily burdensome restrictions on the manufacture and use of alcohol.

The argument for the Cramton bill that it would put the personnel of the Prohibition Bureau under the civil service is an extremely weak one. This is a most roundabout way to accomplish an end that may be accomplished better by direct means. Legislation is already pending which might effect the same result without the adverse effect on the industries that the Cramton bill would have.

Mr. President, this statement by Dr. Martin H. Ittner which I have just read into the Record was addressed to me personally, and does not appear elsewhere. I now want to direct attention to the statement made by Doctor Ittner on the 7th of January, 1925, before the subcommittee of the Senate Judiciary Committee, which appears on pages 121 to 125, inclusive, in Part II of the hearings. I shall content myself by quoting excerpts, though the entire statement is well worth a careful reading. It was, in part, as follows:

DR. MARTIN H. ITTNER'S STATEMENT BEFORE THE COMMITTEE
Colgate & Co.—

Doctor Ittner is chief chemist for that company—

have always stood unequivocally for law enforcement. They are opposed to the Cramton bill or any bill that would put the administration of alcohol for lawful manufacture completely in the hands of a prohibition enforcement officer.

I appear on behalf of the American Chemical Association, consisting of about 15,000 chemists engaged in manufacturing, scientific, and educational pursuits, being chairman of the committee on industrial alcohol of this society, and also on behalf of the American Institute of Chemical Engineers, embracing most of the leading manufacturing chemists of the country, being chairman of the committee on industrial alcohol of the institute.

Neither I nor any of those whom I represent have any interest in this bill other than a strictly lawful one. They are, however, all interested directly or indirectly in the lawful manufacture, sale, and use of alcohol for other than beverage purposes, including scientific research, the development of fuel, dye, and other lawful industries. They are all law-abiding men and favor enforcement of the laws. They have at stake not only their professional interests but financial interests aggregating in the millions. * * *

Those depending upon the lawful use of alcohol feel that all legislation affecting them, and alcohol for their use, should, so far as possible, divorce the permissive features of the law from the same kind of consideration which is accorded so-called wet and dry issues, which would involve prohibition. They feel that those who are operating legally under the permissive portions of the laws should meet with every encouragement and believe that this can not be brought about to the best interest of all if the permissive as well as prohibitive portions of the law are placed completely in the hands of a Prohibition Commissioner, whose prime end and viewpoint will be the detection and prosecution of violations of the law. For this reason the chemists are opposed to the Cramton bill, H. R. 6945.

In the present administration of the law, although the Prohibition Commissioner is directly charged with enforcement, he is under the Commissioner of Internal Revenue, who is charged by the law with the enforcement of the national prohibition act. The Commissioner of Internal Revenue is familiar with the provisions of the law and at present serves as a court of appeal from the rulings of the Commissioner of Prohibition when an appeal becomes necessary.

If any new legislation is passed with regard to the enforcement of the national prohibition act, the chemists and manufacturers of the country believe that the permissive features of the law as pertaining to ethyl and denatured alcohol for all nonbeverage purposes should be administered by an officer who shall be a graduate chemist and a person of knowledge in the manufacture, distribution, and use of ethyl and denatured alcohol, and who shall be appointed by the Secretary of the Treasury.

The chemists ask nothing that would lessen the authority of the Prohibition Commissioner in actual prohibition enforcement, but earnestly urge upon Congress to provide in all legislation proper means for the consideration of appeals from decisions that may be in error, such appeals to be in a properly constituted board the membership of which shall be quite apart from the Prohibition Unit and Internal Revenue Bureau. * * *

The chemists also urge upon Congress the desirability and necessity of making proper provision for court review, not only with regard to the issuance of permits by the commissioner but also with regard to all acts of the commissioner or those under him affecting the manufacture, distribution, and use, and use in manufacture of ethyl and denatured alcohol, liquor in accordance with the national prohibition act as amended.

The national prohibition act as at present in force is objectionable in some respects, but the proposed Cramton bill is very much worse. The trouble with this bill and some others that have been offered

is that they seek to put alcohol and liquor for lawful purposes on a wet and dry basis and thus seek to control them with the same machinery that is organized to handle intoxicating liquors wrongfully used, rather than handle them as a strictly lawful proposition.

Mr. CRAMTON has told you here of Secretary Mellon's so-called advocacy of the bill. His letter to the House Judiciary Committee and the testimony of Assistant Secretary Moss before that committee are hardly to be considered as approval. I think it is not violating any confidence when I tell you that the Secretary granted a hearing to a few representatives of the industries interested in industrial alcohol and he told us that at the time he signed the letter referred to he had been assured that there was no opposition to the bill. As soon as the industries had an opportunity to assert their stand with respect to the bill they were practically all opposed to it. * * *

* * * The industries have been working hard to find a basis on which their interests may be equitably administered and the authority of the Prohibition Commissioner may be entirely devoted to prohibition enforcement.

These important matters require time for careful consideration. If legislation is not rushed and proper time is given I feel that the legitimate interests concerned will be able to make most valuable and helpful suggestions to Congress that will go a long way to solve some of the difficulties that now beset us.

The people I referred to who met yesterday afternoon and last night were doing everything possible to find some means that they thought would be helpful as suggestions to the committee. This is important legislation, and all of these interests and the proper enforcement of prohibition can not be arranged in a very short time; but the one thing that I want distinctly understood is that all of the interests with whom I have talked—and I have talked to a great variety of them—feel that the Cramton bill will not accomplish the purposes of prohibition enforcement properly, and that it is very much against these legitimate users of alcohol and alcohol products.

Mr. President, I now direct attention to the statement of Dr. L. H. Baekeland, president of the Bakelite Corporation, which has four plants, the chief of which is in Perth Amboy, N. J. This is one of a number of large industries requiring alcohol, that have factories or plants in the State which I have the honor, in part, to represent. Doctor Baekeland also is the retiring president of the American Chemical Society, the past president of the American Institute of Chemical Engineers, past president of the American Electrochemical Society, and honorary professor of Chemical Engineering, Columbia University. His statement will be found on pages 156 to 160, inclusive, Part II, of the hearings before the Subcommittee of the Senate Judiciary Committee, and is, in part, as follows:

DR. L. C. BAEKELAND'S STATEMENT BEFORE THE COMMITTEE

I do not come here to give an opinion. My main purpose is to furnish information. No man's judgment rises above his information. The overlooking of that fact has sometimes played havoc with our industries. * * * The Cramton bill is an effort to shift the administration of industrial alcohol from the Internal Revenue Department, where it belongs, to the notoriously inefficient Prohibition Department. Most people can not see in alcohol anything but its use or abuse as a beverage. And yet outside of such uses or abuses there is hardly a chemical susceptible of wider and more beneficial application in the arts, the industries, and the household economies. Its value as a solvent, its uses in varnishes, artificial leather, and smokeless powder is well known among chemists.

The public does not know that alcohol is an essential raw material for the manufacture of a number of articles—for instance, radio outfits, wireless equipment, electrical machinery and electrical parts for automobiles, airplanes, motor boats, silent gears, dies, moving pictures, kodak films, and for endless other purposes—not to mention the great use of it made at present as an antifreezing mixture in our automobiles. No wonder, then, that the consumption of industrial alcohol has increased 3,000,000 gallons since 1921. But the prohibitionists attribute this to the criminal bootlegging, notwithstanding the protests of the American Chemical Society and the American Institute of Chemical Engineers. Furthermore, a decidedly increased use is possible for industrial alcohol as a liquid fuel. * * *. The fact that it is far less volatile than gasoline and mixes readily with water makes it not only cleaner but incomparably less dangerous, whether it be used in the household for heating or illuminating purposes, or whether it be used on a motor car or motor boat or in a stationary engine. Furthermore, its sources of supply embrace all inexpensive starch or sugar-containing vegetables, as well as the waste of our sugar refineries, all products of which this country has a prodigious supply. Molasses is getting scarcer and scarcer just on account of increased production of industrial alcohol.

Converting our perishable farm products into products like alcohol, which can be stored indefinitely and of which the transportation and handling are easy, is one of the ways of equalizing the uncertain

fluctuations of the yield of our farm crops. Long after every drop of petroleum or gasoline will have been extracted from our wells every yearly agricultural crop will insure us a new supply of this valuable liquid fuel obtained by fermentation of starch or sugar-containing liquids. I know of no country where there is such an abundant source of supply, as well as the industrial opportunities in conjunction with an extensive market within easy reach, provided industrial alcohol can be furnished to the consumer at a low enough price. This is one of the main points I beg to insist upon.

An unintelligent application of the prohibition act will offset all this, whatever good effect it may try to accomplish in other directions, by putting unnecessarily exaggerated restrictions or handicaps upon the manufacture or distribution of industrial alcohol. Very few people realize that the price at which industrial alcohol can be delivered to the consumer at a profit is considerably influenced by whatever unnecessary red tape impedes manufacture, transportation, or distribution. The well-intentioned manufacturer who is endeavoring to lower the cost of production feels his efforts rather futile when they are wiped out at the selling and distributing end.

I happen to be the president of the concern which exploits my inventions, and which is called the Bakelite Corporation. It so happens that we are large users of industrial alcohol * * *. A week or so ago it happened that one of our plants, our principal plant, in Perth Amboy—we have four plants—was shut up because a truck load of industrial alcohol, denatured alcohol, was arbitrarily held up by the prohibition officers, the driver of the truck was put in jail, newspaper reports were spread about the bootlegging, and all that sort of thing. Our factory had to shut down for a considerable period of time, which meant that \$15,000 worth of solution of bakelite could not be delivered, not to speak of the fact that our whole staff of workmen was idle.

Senator OVERMAN. What do you mean by "bakelite"?

Mr. BAEKELAND. Here is a gear such as is used on your automobile. That is made with alcohol. Here is one of the timers which you use on your automobile, or such as is used on flying machines, which is made with alcohol. Here is a piece of a radio set. Every radio in use to-day has some parts made of bakelite. Here are some other things made with alcohol. Here are some pencils, such as you are using, probably, which are made with alcohol. Here is a pipe made with alcohol. Every flying machine has on it some of that stuff made with alcohol. Here are some more things made with alcohol. The buttons on your coat are made with alcohol. Here is a typewriter attachment that is made with alcohol.

Senator STERLING. To what extent is alcohol an ingredient in the manufacture of these things?

Mr. BAEKELAND. Fifty per cent of the bakelite used in this gear is made of alcohol.

Senator OVERMAN. What is the other ingredient?

Mr. BAEKELAND. The others are formaldehyde and phenol, or whatever it may be. These are various mixtures, all along the same line. Here is a little booklet giving the story of bakelite, how when a man gets up in the morning he uses a tooth brush made of bakelite, he lathers himself for shaving with a bakelite brush, and then he goes to his office and many of the things he uses in his office are made from it, and if he goes fishing he has with him things made of it, and all that sort of thing.

I do not want to take up more of your time. What I wanted to say was this, that I personally believe in the restriction of the use of alcohol for drinking purposes, and I believe that the prohibition act, if intelligently framed and intelligently enforced, would be a marvelously constructive law; but when it comes, as I have heard some fanatics explain to me, to the fact that any industry which needs alcohol must disappear from the earth I am against it, because I know that is against the best interests of the United States. I am a chemist. I have helped to build up new industries, have helped to originate industries in this country. I know alcohol is as necessary as sulphuric acid or the electric current, and any insane restrictions on the distribution of alcohol for industrial purposes will hit everybody in the United States and will stunt our national development.

Senator OVERMAN. Do you think this bill has in it any insane provisions?

Mr. BAEKELAND. If anybody can come around and hold up a shipment of denatured alcohol, even that which is unfit to drink, what are we going to have next? Those who did it in this particular instance were the prohibition agents who seized a truck load on a ferryboat; and are you going to give further power to a group of people who have blinders on and only see one thing in connection with alcohol, who can not think of alcohol but in connection with drunkenness? If we give authority to people who have blinders on and want to neglect all this complicated piece of machinery which we call the industries of the United States, I fear very bad results.

Senator STERLING. Have you suffered any inconvenience beyond that you have described and which was described by Mr. Rigney?

Mr. BAEKELAND. No, sir.

Senator STERLING. You have been successful in getting a sufficient supply of alcohol for your uses beyond that one instance?

Mr. BAEKELAND. Under the present administration; and that is the reason I fear any change would be to our detriment.

Senator OVERMAN. Are you now a professor in Columbia University?

Mr. BAEKELAND. Yes, Senator.

Senator OVERMAN. Do you think the enactment of this bill would restrict your ability to get the alcohol you need?

Mr. BAEKELAND. I have no doubt about it. It is a question of the temperament of the people enforcing the law that would bring in the restrictions.

THE 6,000,000 GALLON LEAK MYTH

Mr. President, one of the reasons advanced in behalf of the Cramton bill is that it will bring about better law enforcement. In support of this reason there has been broadcasted throughout the country a statement that during the past year 6,000,000 gallons of alcohol freed for industrial purposes have been diverted to illegal channels for bootlegging purposes. The statement has been attributed to Dr. J. M. Doran, head Industrial Alcohol and Chemical Division, Bureau of Internal Revenue. Because of Doctor Doran's official position and his many years' service in the bureau, the statement has been generally accepted as gospel truth. It is the direct opposite. Doctor Doran never said any such thing. The deception and viciousness of the statement will be clearly understood by anyone who will take the trouble to learn what Doctor Doran said about it in his testimony before the subcommittee of the Senate Judiciary Committee December 18, 1924. In that statement Doctor Doran testified that his estimate was "purely a guess," and that it could be "nothing but a guess." Further along Doctor Doran testified:

Some of that 6,000,000 gallons, I believe, is used illegally; not a great amount, however, in my judgment.

Still further along Doctor Doran testified that "one of the large sources of this 6,000,000-gallon leak" was the use of alcohol in the manufacture of artificial silk by the old Du Pont nitrate plant at Hopewell, Va., which has been converted into a large artificial-silk manufacturing plant, and similar plants of which there are a number. I take it that these facts—we can not go back of the hearings for facts—will be highly instructive, if not pleasant, to those Woman's Christian Temperance Union organizations, women's clubs, and churches that have been industriously circulating fiction for fact during this session of Congress, so far as this famous 6,000,000-gallon leak is concerned. Doctor Doran's testimony is so informing that I am going to read a part of it for the benefit of those Senators who have not had time to read the hearings on the Cramton bill. I am convinced beyond the shadow of a doubt that if every Senator could find time to read these hearings the Cramton bill would not get a dozen votes in the Senate. Doctor Doran's testimony begins on page 14 of the hearings for December 18, 1924, and is sandwiched between the beginning and the end of Mr. Cramton's testimony given that date. I shall now read from the official record of the hearings:

WHAT DR. J. M. DORAN ACTUALLY SAID

Senator REED of Missouri. Speaking about the necessity for a change in the personnel and in the plan of enforcing prohibition, have you any figures or estimates of the amount of whisky that has been put out illicitly or illegally—taken out of the warehouses in various places?

Mr. CRAMTON. Doctor Doran, who is here and will be at the service of the committee, will probably have more information on that subject than I would.

Senator REED of Missouri. Have you any information as to the amount of alcohol that has been diverted from legitimate uses to the manufacture of booze, to use a common expression?

Mr. CRAMTON. The information that I have on that subject comes from Doctor Doran. About a year ago, before the House District Committee, he made the statement, which has never been questioned by anyone, as far as I know, that while 60,000,000 gallons is issued under permits, at least 10 per cent was diverted to unlawful uses.

Senator REED of Missouri. Sixty million gallons of what?

Mr. CRAMTON. What would that 60,000,000 gallons include, Doctor Doran?

Doctor DORAN. That is the entire alcohol production of the then fiscal year.

Mr. CRAMTON. Can you give, roughly, the items into which it would be divided?

Doctor DORAN. Mr. Chairman, that so-called estimate or statement that I made was made at the request of Mr. Graham that I make a guess. I told him that it could be nothing but a guess, as there were no figures available on the amount diverted, and in arriving at that amount I had in mind the completely denatured alcohol, the various formulas of special denatured alcohol, and the quantity of pure alcohol that is drawn by the various druggists in the manufacture of flavoring extracts. I got at that from my general knowl-

edge of cases that had arisen and also analyses made by our chemical laboratories that are under my direction, which indicated, to some extent, the probable sources. I had used all that data in making the guess. It was purely a guess.

Senator REED of Missouri. I suppose you can make as good a guess as anybody else. Now, what is your guess?

Doctor DORAN. I guessed at that time that probably not over 10 per cent of the gross production was diverted to illegal uses. I subdivided that. I have not got the exact figures here. I could get the data for you.

Senator REED of Missouri. Doctor Doran, just one question about that. Of course, the alcohol that is made primarily goes into these various uses—that is, for the manufacture of perfumes, extracts, etc. Can you tell us about how many uses it is put to? I mean commonly and generally.

Doctor DORAN. There are thousands of common uses covering all ranges of industrial products.

Senator REED of Missouri. What proportion of that alcohol is used and sold pure; that is, that can be legitimately used in its pure state?

Doctor DORAN. I understand your question. About 1,000,000 gallons is drawn for the use of the United States in its various scientific activities, the use of the States in their various institutions, sanitariums, hospitals, municipal hospitals, dispensaries, State universities, colleges, and privately conducted hospitals. An additional 10,000,000 proof gallons, which would be about 6,000,000 wine gallons, have been distributed for use in the manufacture of flavoring extracts, pharmaceuticals for internal purposes, such as put out by the large drug manufacturers and distributed through jobbers to the retailers, and also by some 60,000, I believe, retail druggists throughout the United States who must all use, to a greater or lesser extent, pure alcohol in their prescription compounds, in their tinctures, and the putting up of what is known as extraneous preparations; that is, the use of pure alcohol, undenatured alcohol.

Senator REED of Missouri. And that embraces the two items together, about 11,000,000 gallons?

Doctor DORAN. Ten million proof gallons and 1,000,000 wine gallons, which would be about 6,000,000 wine gallons.

Senator REED of Missouri. You are applying that to the 10,000,000 you spoke of or to the 11,000,000?

Doctor DORAN. That is a revision of that 11,000,000 figure.

Senator REED of Missouri. Which brings it down to 6,000,000?

Doctor DORAN. Six million in actual measure gallons.

Senator REED of Missouri. That is all the pure alcohol that the druggist, then, is entitled to have? I mean that amount would be about the amount that he has drawn for legitimate purposes and is entitled to draw?

Doctor DORAN. Yes; that is correct, Senator.

Senator REED of Missouri. And that embraces in the calculation the alcohol that goes into the hospitals for direct use there?

Doctor DORAN. Yes; that is correct.

Senator REED of Missouri. You said there were 60,000,000 gallons. In order that we may get the figures on the right basis, are those wine gallons or proof gallons?

Doctor DORAN. Wine gallons.

Senator REED of Missouri. Then that would leave us about 54,000,000 gallons of alcohol, and that is used in making these various compounds, is it?

Doctor DORAN. That is used for all industrial purposes, purely technical industrial processes, and also pharmaceuticals that are used externally, such as liniments and toilet preparations of all classes, perfumes, toilet waters, and various lotions.

Senator REED of Missouri. You say that some 10 per cent of this amount, which would be 6,000,000 gallons, you think gets out and is used for illegal purposes?

Doctor DORAN. Some of that 6,000,000 gallons, I believe, is used illegally, not a great amount, however, in my judgment; particularly that quantity that is withdrawn by the various municipalities, State institutions, universities, and hospitals. I doubt very much if there is any diversion of that to any extent. There were never any cases that came to my notice. The class of permittees are all very high grade.

Senator REED of Missouri. Where does this 6,000,000 gallons that gets out to the people come from?

Doctor DORAN. It is all produced in these registered industrial alcohol plants that are under the supervision of the Internal Revenue Bureau, and in order to procure this alcohol, be it a State institution or a United States department, formal application must be made, and in some cases a bond must be furnished, and various data required by the regulations furnished to the officer, in this case the collector of internal revenue.

Senator REED of Missouri. You did not get my question, Doctor. You have stated that there are about 60,000,000 gallons of alcohol manufactured and put out. Primarily, it is put out legitimately. I can assume that, can I not?

Doctor DORAN. I certainly think you can, Senator.

Senator REED of Missouri. Six million gallons of that alcohol gets into use for beverage purposes. Where does that leak occur?

Doctor DORAN. I get your question. I will not try to give you an expression of opinion on that. I do not know. That is just an expression of opinion.

Senator REED of Missouri. If you do not know, I think I am safe in saying that nobody knows. Is not that correct?

Doctor DORAN. I would not say that. I have been a good many years in the bureau and I am trying to give you the result of my experience, but I am not infallible. About 30,000,000 gallons was produced and withdrawn as completely denatured alcohol. That has been to a large extent used legitimately, although we know that there has been some completely denatured manipulated into very dangerous and low-grade liquors. Our laboratories have received numbers of samples showing the use of completely denatured alcohol with the wood alcohol and kerosene and paridin still present.

Senator REED of Missouri. How much of that?

Doctor DORAN. I had estimated that of the total completely denatured alcohol production possibly 1,000,000 gallons went astray. All of it did not go through the use of the completely denatured product. The bureau has had cases reported to it where alcohol has been taken out of industrial alcohol plants and denaturing plants presumed to be completely denatured alcohol, but through error, or possibly connivance, the denaturants were not present.

Senator REED of Missouri. How much?

Doctor DORAN. I had estimated that from completely denatured alcohol all together there were probably 1,000,000 gallons that got on the market in that way. It may be very much less.

Senator STERLING. Is that your best judgment?

Doctor DORAN. Yes; it is.

Senator REED of Missouri. That is one-sixth of the total of the alcohol which you think got out. You think 6,000,000 gallons got out and this is 1,000,000 of the 6,000,000, and that was alcohol which was presumed and intended by the department to be completely denatured?

Doctor DORAN. Yes.

Senator REED of Missouri. Very well; that leaves 5,000,000 gallons. Now, where did that leak occur?

Doctor DORAN. In providing denatured alcohol that might be used in the many specific processes and products, many of which have developed in this country since the war, it was found necessary and advisable to extend the list to assist these new industries to secure a denatured alcohol that was wholly unfit for use for beverage purposes and would be relieved of hazard in transportation, that would be secure as far as storage goes, and not subject to attack such as pure alcohol was and still be useful in their products. We have now authorized almost 70 special formulas covering the entire industrial field. Some 25 of them, I believe, Senator, have been authorized since prohibition for two reasons: First, to take care of some of our new and rapidly growing industries that are a postwar development in this country; others to enable the older industries theretofore using pure alcohol to avail themselves of the denatured alcohol and thus be subject to less industrial and commercial hazard.

Senator REED of Missouri. But that is completely denatured?

Doctor DORAN. No; that is special denatured.

Senator REED of Missouri. You say new industries that have come up. What is the character of the new industries?

Doctor DORAN. I will cite you one example. The old Du Pont nitrate plant at Hopewell, Va., was converted into a large artificial silk manufacturing plant. As you are probably aware, artificial silk uses as its basis cotton fiber. I understand they use some low-grade materials that were prior to that time an industrial waste. This large corporation secured the nitrating plant of the Du Pont Co. where nitrocellulose, which is the basis for smokeless powder, could be manufactured. It is nitrated to a less degree than the explosive nitrocellulose, and when so nitrated to this less degree is dissolved in a mixture of alcohol and ether, making what we know as a collodion. That is then spun out into fine fiber and is used as a basis for all the artificial silk products that we now have. That industry has developed wonderfully, and the extent to which artificial silk is used I think is one of the most astonishing developments in the textile industry.

Senator REED of Missouri. Do they use alcohol?

Doctor DORAN. Alcohol and ether, ether being made from the alcohol. It is essential absolutely in the manufacture of artificial silk. That is a new industry in this country.

Senator STERLING. May I ask just this question there? Are there other industries of that kind than the one at the Du Pont powder plant?

Doctor DORAN. There are a number of such plants on that very identical line.

Senator REED of Missouri. Am I to understand that the good temperance folks of this country will wear clothing that is made from alcohol?

Doctor DORAN. You are talking to a chemist, Senator, and I do not see anything immoral in that.

Senator REED of Missouri. Well, speaking now about this new use of alcohol; you have given us to understand that the alcohol just used is specially denatured, I suppose, so that its properties will not be interfered with in the uses to which it is to be put. How much of that character of alcohol is put out?

Doctor DORAN. There was somewhat less than 30,000,000 gallons for the fiscal year about which I was talking at that time. It is slightly over 30,000,000 for the past fiscal year, the figures of which have just been compiled.

Senator REED of Missouri. How much of that 30,000,000 gallons has gone astray?

Doctor DORAN. I believe of that 30,000,000 gallons probably between four and five million gallons have gone astray.

Senator REED of Missouri. So that is one of the large sources of this 6,000,000-gallon leak?

Doctor DORAN. Yes.

Senator REED of Missouri. Now, what is your remedy for that; to quit making the silk or to quit making the alcohol?

Doctor DORAN. My remedy is a continued effort to arrive at better control of enforcement. I have no immediate remedy to suggest.

Senator REED of Missouri. I, perhaps, ought not to have asked that question, because I do not think you are the sponsor of this bill; you are just here to give the information you possess. But let me ask you now as to the character of this partially denaturization that you employ in this special grade of alcohol. Are the denaturing substances more easily extracted from this character of alcohol than they are from what you call the fully denatured?

Doctor DORAN. Yes; and I think I can explain very briefly why that is so. I mentioned the perfume and toilet water industry. There has been a rapid development of that industry, absolutely legitimate, since the war. Our people are exporting perfumes and toilet waters, taking, I think, some of the French market. That is my information. I even understand that we are selling some of our products in Paris that are made with American alcohol. Undoubtedly there has been a large legitimate use in this country as well in devising a formula for specially denatured alcohol to be used in the perfume and toilet water industry that must obviously get some denaturing substances that will not only not react chemically with the various blends of perfume materials but that will be odorless. It would be futile to use an off-smelling alcohol in a great product of that sort, where odor is the chief consideration. The formulas that we have devised for that, which we have worked out in cooperation with the leading chemists and scientists in that industry, have met that requirement. They are wholly unfit for beverage purposes, but they are inodorous and of a very high quality and furnish a very inviting field to an illicit distiller.

Senator REED of Missouri. Are they poisonous?

Doctor DORAN. They are, in a layman's sense.

Senator REED of Missouri. You say they offer an inviting field to an illicit distiller. By that you mean that these foreign substances you put in the alcohol are easily extracted?

Doctor DORAN. I mean this: A completely denatured alcohol has kerosene in it and benzol and paridin, very foul-smelling substances not readily separated by distillation or even fractional distillation. These perfume formulas are devised so they will not contain any of these volatile, foul-smelling substances. Of course, they would be absolutely of no use to these men.

Senator REED of Missouri. I understand. I am not criticizing it, Doctor.

Doctor DORAN. It is the aim of the illicit operator to secure a material that is the cheapest thing he can get at the time that will produce the most salable potable liquor.

Senator REED of Missouri. I understand that; but what I am trying to get at is this, and you have made it plain in part: Your fully denatured alcohol contains, among other things, kerosene or benzol.

Doctor DORAN. And wood alcohol.

Senator REED of Missouri. The latter being a deadly poison?

Doctor DORAN. Yes.

Senator REED of Missouri. But when you come to alcohol that can be left suitable for use in perfumery you leave your wood alcohol out, do you not?

Doctor DORAN. Yes.

Senator REED of Missouri. And you leave out the kerosene and benzol?

Doctor DORAN. Yes, sir.

Senator REED of Missouri. What I am inquiring about is what you do put in.

Doctor DORAN. Take one formula, what we know as formula 40, which contains a certain quantity of brucine sulphate.

Senator REED of Missouri. Is that poisonous?

Doctor DORAN. No; it is not toxic. It is one of the chemical allied substances of strychnine. It is found in strychnos nux vomica. Strychnine sulphate is an intensely bitter substance. A drink or a swallow of formula 40 in which strychnine is used as a denaturant

is so extremely bitter as in my judgment to be absolutely impossible for beverage use. Nevertheless, that strychnine is effective to produce this nonpotability and yet is of itself a nonvolatile chemical alkaloid substance.

Senator REED of Missouri. Do not get these terms too technical. I am a farmer.

Doctor DORAN. I think I can explain it to you.

Senator REED of Missouri. I want you to get it so I can understand it.

Doctor DORAN. When a man puts this material in a still and applies heat to it, he vaporizes the alcohol and this strychnine remains behind in the still. The illicit distiller takes that and puts water in it, gives it a caramel color, puts a Scotch label on it, and sells it for whisky.

Senator REED of Missouri. Does he get this strychnine out by the process?

Doctor DORAN. He tries to, but he does not get it entirely out.

Senator REED of Missouri. But it can be taken out by a skillful chemist, can it not?

Doctor DORAN. Undoubtedly.

Senator REED of Missouri. Well, that is reassuring. You use that in perfumes?

Doctor DORAN. That is used as one of the chief alcohols in perfumes. There are other denaturants.

Senator REED of Missouri. So that a lady who now uses perfume has the sweet consolation of knowing that she is getting a little strychnine along with it?

Doctor DORAN. It is in such small quantities as to be wholly negligible in perfumes.

Senator REED of Missouri. It is not less than one-half of 1 per cent?

Doctor DORAN. Very much less.

Senator REED of Missouri. What else do you use?

Doctor DORAN. There are two or three other formulas similarly devised containing similar denaturant substances.

Senator REED of Missouri. What are those?

Doctor DORAN. One is a chemical known as diethylthalia. That is used in the proportion of 2½ per cent in one of the formulas known as our 39-B. Diethylthalia as a constituent was used in the manufacture of perfumery a long time prior to prohibition. It is one of the materials or fixatives that the industry has employed. Hence in taking one of their own materials we have added no extraneous materials. We have not disturbed their plans of perfume constituents.

With reference to diethylthalia, if a drink of that formula is taken into your mouth it will not only produce an intensely bitter taste but will also produce the same effect as a bite into a green persimmon and as you spit it out you will think somebody has shot a charge of cocaine into your tongue.

Senator REED of Missouri. How does a skillful chemist employed by one of these illicit distillers get that out?

Doctor DORAN. That may be removed by this same distillation that I am speaking of; not perfectly, however. It is possible if you have skilled chemical knowledge available to undenature almost every formula, given money and time.

Senator REED of Missouri. Is this substance poisonous?

Doctor DORAN. I would not say that diethylthalia is a toxic poison. It has this effect: A drink of that would absolutely prevent a man from taking any more. It would not have the insidious effect that wood alcohol has. When wood alcohol is taken it is frequently unknown to the drinker because it is tasteless and colorless.

Senator REED of Missouri. Do not let us get into the subject of wood alcohol. You say it will stop a man from drinking any more. I am interested.

Doctor DORAN. What I am saying is that if a man drinks this formula untreated as the Government prescribes it and as it is released, he will never take another drink, in my opinion.

Senator REED of Missouri. I suggest that you refer that to Doctor Wheeler. I think that is what he has been looking for for a long time. But when they treat it and remove that element so it does not treat your mouth like a green persimmon, you do not notice what remains there of a poisonous nature?

Doctor DORAN. In the distillate?

Senator REED of Missouri. No; not in the distillate, but in what goes over.

Doctor DORAN. That is distillate, Senator. To the extent that there is some present in the distillate it may produce harm.

Senator REED of Missouri. What kind of harm?

Doctor DORAN. It is hard to tell.

Senator REED of Missouri. You say it is not a poison.

Doctor DORAN. Well, it is not a poison, but, as is well known to all of us, aged liquor has certain activities that are different from new liquor. Sometimes very little quantities of these extraneous substances in distilled liquors produce very marked deleterious effects. It is impossible for me to say just how much you would have to

have in the distillate before you would receive harm. Some very probably would not be harmed at all, while others would have just a sufficient quantity to disturb their digestive functions and possibly produce violent illness.

Senator REED of Missouri. And that would be true even when it would not be detected by taste or smell?

Doctor DORAN. I think it could be detected by taste if a person would stop to taste. I say that seriously, Senator.

Senator REED of Missouri. I am speaking seriously. We are speaking on a very serious question.

Doctor DORAN. When people take a drink of a product that contains a high percentage of alcohol there is a certain action of the alcohol itself. It passes down rapidly, and the matter of tasting a distilled spirit is very difficult. The only way to taste it is to take a very little in your mouth with a little water, roll it around and spit it out, and then try to analyze the sensation produced.

Senator REED of Missouri. Must you spit it out to get that sensation correctly? Now, I am not joking about this, after all. I want to know if this substance which you put in the alcohol is of such a character that it can be extracted so that it will not readily be detected by taste or smell and yet have a poisonous or deleterious effect upon the person who takes it.

Doctor DORAN. That will be true in some cases, Senator, but not in all cases.

Senator REED of Missouri. Do you not think that it is a very wicked thing when you know that 10 per cent of your products are getting out to the people to put in poison or substances that are so subtle that people will drink them without knowing and destroy their health and life? Do you not think that is about the nearest approach to murder that a man can commit?

Doctor DORAN. I can not agree with that, Senator, for this reason: Our laboratories, of which I am the head, have from time to time made public through the press, through the channels of the department, the character of liquors seized, pointing out these various things.

Senator REED of Missouri. Certainly, and we used to have liquor sold in saloons and drug stores and other places, and we were asked to pass a prohibitory law because people with their eyes open went up and bought this substance and drank it in such excessive quantities as to injure them; whereupon we had prayer meetings and every other kind of meeting and wept over the terrible condition of this creature who for 20 or 30 years probably had been drinking the substance and with his eyes open had been proceeding toward a drinker's grave. Now, with full knowledge that 10 per cent of your product is being drunk just the same, you have substituted for that a subtle poison which can be taken into the system by the victim without any knowledge. He is getting that poison with only the general notice that you send out that everything may be poison. We always had that notice. Do you not think now that you are doing the same thing as the fellow who puts out poison all over the country for wolves and kills all the good dogs?

Doctor DORAN. No; I do not agree with that. That experience of drinking denatured alcohol is not at all confined to the United States. I have discussed this matter with Canadian officials, and no less than two months ago with a very learned gentleman from London who occupies under the British Exchequer somewhat the same position that I occupy in the Treasury Department. They are having a very great deal of trouble over the taking of denatured alcohol where it is purely an excise question and where the excise tax is so high that it has led to these difficulties.

Senator REED of Missouri. The fact that they are having trouble in England does not meet this question. You know and I know that one of the cheapest products in the world is approximately pure alcohol that can be made for a few cents a gallon. Leaving out the question of any revenue laws, if it were put out in that form and people drank it it would only have the ordinary injurious effects which are said to come from long-continued use. You take that and you put into it a substance that is poisonous and you know that 1 gallon out of every 10 is going to go out and be drunk by human beings, and you know that these human beings, many of them, are legitimate users—I mean within this law—for whiskies or alcohols; that they may buy them at a drug store under a doctor's prescription.

Doctor DORAN. That is entirely apart from this. That is good whisky.

Senator REED of Missouri. I do not think you have had as much experience as I have had. I think there is a lot of it that is not good whisky that goes out through the drug stores.

Doctor DORAN. I would hate to think so, Senator.

Senator REED of Missouri. Now, you get this substance out. Whether the people get it in the drug stores or elsewhere, they all think they are getting good whisky. You put out 1 gallon in 10 that is poisonous, and you say that is justifiable.

Doctor DORAN. I want to just say that I do not think that is chargeable to the administrators of this law.

Senator REED of Missouri. You put the poison in it, and you know that 1 drop out of every 10 is going to be drunk by some human being.

Doctor DORAN. These formulas are devised for the legitimate industry of this country. They accord with the uses and needs of legitimate industry, and it is released on bona fide prima facie cases where legitimate use is demanded.

I believe a great deal of the difficulty arising from, I will say, the unlawful sale and use of liquors nowadays comes from moonshine straight, be it produced by glucose, moldy corn, or molasses.

Senator REED of Missouri. That is another question. We are discussing what you people do.

Doctor DORAN. I believe it is more harmful than these other products.

Senator REED of Missouri. That is what the people do down in the mountains.

Doctor DORAN. It is not confined to the mountains, Senator.

Senator REED of Missouri. No; every hill and valley has one, has it not?

Doctor DORAN. Not every one.

Senator REED of Missouri. No; but enough to supply the demands of the people. But, sticking to our own question, that is done by a man who starts out to violate the law, and you gentlemen are officers of the law, paid by the public, and you tell me that you take 60,000,000 gallons of alcohol and render it poisonous and of the 60,000,000 gallons 6,000,000 gallons are going to be drunk by human beings, the effect being deleterious in some instances and poisonous in others. Now, even if this unfortunate creature who drinks knows that he is getting it from a bootlegger, are not you after all doing something that can not be justified in morals or anything else?

Doctor DORAN. I can not agree with that, Senator. I want to say this much in justification of the department's administration of these formula matters: It has been our consistent and sustained endeavor to get away from denaturants that are lethal, wood alcohol, for example. We are trying to avoid the use of wood alcohol wherever possible for the reason that a man gets no notice of that. If we can arrive at the same result of unfitting this alcohol for beverage purposes and avoid use of lethal denatured—

Senator REED of Missouri. If you can not do that, you put the thing in and let it kill them anyhow?

Doctor DORAN. There is only one way to get about the condition with which we are dealing. If we want to distribute this alcohol for legitimate commercial enterprises we have to put it in shape where they can use it.

Senator REED of Missouri. Why do you not send it to them without any denaturization?

Doctor DORAN. You either have to stop the whole thing or attempt to improve your control of enforcement, or give everybody pure alcohol.

Senator REED of Missouri. Let us take this factor that you spoke of, making this artificial silk. Why do you not give them pure alcohol?

Doctor DORAN. They do not want it.

Senator REED of Missouri. They would be glad to have it if there were no law to interfere?

Doctor DORAN. No.

Senator REED of Missouri. They prefer to have these denaturants in it?

Doctor DORAN. They do.

Senator REED of Missouri. Why?

Doctor DORAN. I believe it is shipped at a less commodity rate.

Senator REED of Missouri. That is because of the conditions of the law that it is shipped that way.

Doctor DORAN. I get your point. If there were no law to deal with, naturally everybody that uses alcohol would want to get the purest alcohol.

Senator REED of Missouri. If there is a law—let us leave out the question of shipping rates—you could deliver to this concern pure alcohol, and it would be legitimate for them under the law to use that alcohol in their business?

Doctor DORAN. Except for this reason, Senator: Pure alcohol can not be used in this country unless they pay a very high commodity tax. It is \$4.18 per gallon. It was only when Congress in 1906 provided for the remission of internal-revenue taxes on alcohol used industrially that these industries were able to build themselves up.

Senator REED of Missouri. They can use it industrially and use it pure without paying this enormous tax, can they not?

Doctor DORAN. No, sir; not under our revenue laws.

Senator REED of Missouri. Then, while we are amending the law all we need do is to strike out the clause that taxes pure alcohol excessively and let them have it in the pure state.

Doctor DORAN. That would overcome that economic feature, of course. Senator REED of Missouri. They would rather have it, and it would serve their purposes as well, if not better, than a mixed product.

Doctor DORAN. Not under the present hazards of shipping.

Senator REED of Missouri. I am leaving that out.

Doctor DORAN. Yes; if you wipe out the law they would want the purest alcohol at the least tax.

Senator REED of Missouri. Why can not you furnish them the pure alcohol—we will leave out the question of tax—and then see to it that they actually use that; that they do not sell it or let it get away? Why is not that possible?

Doctor DORAN. Well, that is what the Treasury is endeavoring to do, Senator, with the means at hand.

Senator OVERMAN. The provisions of this bill are very interesting. Do they remedy the evils that you have been talking about?

Doctor DORAN. The Secretary believes, and it is indicated in his letter, that this provides for a better organization.

Senator REED of Missouri. That is, you are going to have a better organization to administer the present law. You will still put poison in the product. The illicit distiller will still try to get it out and there will still be a part of it get out to the public. Now, I am dealing with this question of poison. I think you are poisoning the American people. I think it is wicked; I think it is infamous; I think it is damnable. If there is any other adjective you can think of, put it in the record. And I want to know if there is not some way you can enforce this prohibitory law without enforcing it by poison?

Doctor DORAN. Not under the present laws.

Senator REED of Missouri. What do we need to change in the present law in order to accomplish the results I have indicated?

Doctor DORAN. Tax, for one thing. It is wholly impossible for these industries to pay commodity tax equal to 10 times the value of the product with which it is dealing and compete with European manufacturers.

Senator REED of Missouri. If we were to provide in the law that alcohol that is used in good faith in the manufacturing processes should be released at the same rate of taxation that is now paid upon the poison product, then these factories would take the pure alcohol?

Doctor DORAN. Undoubtedly.

Senator REED of Missouri. So that if you had a law that was perfectly administered and which prohibited the use of this liquor for anything except these specific purposes for which it was released, you would not interfere with the manufacturing, and if any of that did by peradventure get out it would not kill human beings. That would be the situation?

Doctor DORAN. If that ideal condition could prevail, I would be very glad to see it.

Senator REED of Missouri. Do you mean to tell me that you can not organize in this department down here men with sufficient knowledge to act as inspectors in these plants and see to it that the alcohol does not escape?

Doctor DORAN. I do not believe there is as much of it due to dishonesty in the plants, Senator, as after it is withdrawn on a bona fide prima facie showing on permits. It will be taken out. Some of it will be used in the products which the men propose to make. Possibly another part will be disposed of to some legal operator. The Government officer does not stay at that man's place.

Senator REED of Missouri. Where does the leak occur?

Doctor DORAN. The leak occurs in the hands of the man who gets this ostensibly for legitimate purposes and diverts it to illegitimate uses.

Senator REED of Missouri. Let us take this plant you have spoken of.

Doctor DORAN. They are not diverting an ounce of alcohol.

Senator REED of Missouri. I am going to use it now to illustrate my thought. You said it used 10,000,000 gallons a year.

Doctor DORAN. No; I believe it uses one and one-half million gallons a year.

Senator REED of Missouri. Can you tell me why that alcohol can not be transported to that factory and checked as it goes into the factory, so you will know how much it is, and why a man can not stand there and check it out and see to it that none of it escapes, just the same as we have always done with whisky in the past, and with alcohol and wine?

Doctor DORAN. We still maintain our men at the distilleries where this is produced in no way differently from the days when we collected a large tax on whisky. We never supervised a manufacturer, and there are in existence 130,000 permits of all classes, from large manufacturers down to retail druggists. There are, I believe, something like 1,500 prohibition agents, and they have various duties, such as going after smugglers, moonshiners, etc. They can not stand at each man's door.

Senator REED of Missouri. I have been unfortunate in putting my question. I am not asking you what you can do with your present force. I am asking whether it is not a fact that a force could be organized and a system devised that would guard this alcohol from the time it was made in the plant on to the delivery, either to a druggist or to a manufacturer, so that no considerable quantity, nothing like 10 per cent of it or 5 per cent of it, would ever get out. Is not that a feasible thing to do?

Doctor DORAN. It is possible; but whether it is feasible depends upon whether Congress is disposed to let us have a sufficient number of men

to look after all these details. Senator, each one of these men who gets alcohol, each manufacturer, keeps a record of everything he gets and makes monthly reports, etc., and is subject to the inspection of all these men. But to answer your question as to whether it is possible to follow each barrel of alcohol from its manufacture to its final use is merely a matter of the number of men.

Senator OVERMAN. This Du Pont Co. gets 100 gallons of alcohol, we will say. They get a permit to withdraw it. When they get that who puts in these poisonous substances?

Doctor DORAN. They are added at the denaturing plant which is in the distillery premises. This alcohol, we will say, is entered in Baltimore and it is to be shipped to Hopewell, Va. The distiller does this denaturing under the supervision of the Government officers.

Senator STERLING. When it gets to Hopewell, Va., it is a denatured product?

Doctor DORAN. Yes.

Senator OVERMAN. When it goes out of the warehouse the distiller has all these substances to put into it?

Doctor DORAN. Exactly.

Senator REED of Missouri. All right. Now, will you tell me why it is not possible if a man orders 100 gallons of alcohol to put it in a sealed receptacle, put it in charge of an express company that is made responsible for delivering it without the breaking of the seal, and when it arrives at the plant where it is to be used have a man in that plant or a check of some kind on that plant so you know that has been used, without putting the poison in?

Doctor DORAN. That is a factor of having a sufficient number of men. I do not want to say this as a positive thing, Senator, but my understanding is that they follow that same system that you suggest in France. With what success I do not know.

Senator REED of Missouri. You say that 10 per cent of the alcohol, 6,000,000 gallons a year, approximately, gets away? That is your estimate?

Doctor DORAN. Yes. It may be very much less, sir.

Senator REED of Missouri. I am not trying to hold you to an absolute figure, but we are dealing now with such information as we have, and you are here to give us the best that you possess, and I suppose you possess as much knowledge as any other man on the subject. That alcohol, if it gets out to the public, could be delivered at what price?

Doctor DORAN. Pure alcohol is worth—that is, without tax—55 to 60 cents a wine gallon.

Senator REED of Missouri. What is it worth when you have denatured it?

Doctor DORAN. The cost is very little greater. It is merely the cost of the added material, a few cents, 15 or 20 cents, maybe.

Senator REED of Missouri. And that alcohol when it gets out, this 6,000,000 gallons, is worth how much a gallon? What do these people who make it up get out of it?

Doctor DORAN. I have no figures on that.

Senator REED of Missouri. Do you not know anything about bootlegging prices?

Doctor DORAN. No; I do not know anything about bootlegging prices.

Senator REED of Missouri. I am not asking that in the way of a joke.

Doctor DORAN. I only know what I see in the public press.

Senator REED of Missouri. I supposed you knew something about what liquors sold for. You must be watching this situation.

Doctor DORAN. In my particular work, I do not.

Senator REED of Missouri. It is something like \$20 a gallon, is it not?

Doctor DORAN. I do not know.

Senator STERLING. It varies, I suppose, in different localities?

Doctor DORAN. Yes.

Mr. REED of Missouri. Well, it runs about \$15 or \$20 a gallon. Would not a very small addition to the tax on pure alcohol be sufficient to raise a revenue that would employ the very large number of men you need?

Doctor DORAN. The tax now on pure alcohol is \$4.18 a gallon. Do you speak in addition to that?

Senator REED of Missouri. Well, it runs about \$15 or \$20 a gallon, that goes out substantially tax free.

Doctor DORAN. It is tax free under the law.

Senator REED of Missouri. If you were to not denature alcohol, but were to levy a small tax on all alcohol that went out, would it not make a revenue great enough that you could have a very large number of inspectors and guard this material so that it would not get out as badly as it does now?

Doctor DORAN. I believe that question almost answers itself, Senator. If you apply the revenue tax to denatured alcohol and apply the receipts to the employment of officers, you would undoubtedly get better surveillance.

Senator REED of Missouri. Suppose we cut out denatured and put a small tax on all alcohol that went out, could we not then raise a revenue great enough so that the force that is to be employed by the Government to compel obedience of the law could be very largely increased without expense to the Government?

Doctor DORAN. Probably that is true. I do not see any flaw in that. Senator REED of Missouri. Do you not think if that were done that that force of men guarding this would get you better results than by poisoning this alcohol so that it is not fit for a man to even use in a bath?

Doctor DORAN. I should not like to express an opinion on that.

Senator REED of Missouri. Have you not any opinion about it?

Doctor DORAN. I have a personal opinion, but that would be a matter of departmental policy which I would not care to speak of.

Senator REED of Missouri. I want to get your personal judgment.

Doctor DORAN. I have had many ideas on how to improve this thing and that suggested itself to my mind a time or two, then I went on something else. I have laid awake nights trying to think something out on this. That has suggested itself to me at times.

Senator STERLING. What effect would it have on the industry itself in which industrial alcohol is used?

Doctor DORAN. It would be a burden on the industry.

Senator REED of Missouri. We might as well burden the industry a little as to kill human beings wholesale, might we not?

Doctor DORAN. I do not know how the industries would look at that.

Senator REED of Missouri. They would look at it from a dollar-and-cents standpoint.

Doctor DORAN. Some of these industries are vital to our national welfare, and we are all concerned in them even though we may not have investments in them. They are very essential industries.

Senator REED of Missouri. I know they are, but we are confronted with the situation here of putting out poisons to prevent people from using this alcohol for any purpose except that of manufacture. If there is another method, even though it costs a little, by which the result can be obtained and the public protected—the unfortunates of the public, if you please, for that is all the provision was ever passed for, to look after the fool; it was never necessary for the man who had any sense—if we are engaged in that business, and if we can protect it without killing him or destroying his health, we ought to do it. Now, I want to get your thought, if you will express an opinion. You say you can not speak for the department. I am not asking that. The department can not be summoned here as a department, and you are an expert on these matters.

Doctor DORAN. Not on matters of policy.

Senator REED of Missouri. Well, regardless of policy, what is your judgment, from your experience, as to whether or not, if there was a small tax levied, a revenue could be created sufficient to enable you to have a force great enough to substantially enforce the law and keep alcohol designed for manufacturing purposes from getting into the beverage use?

Doctor DORAN. I think a larger force would produce better results, and if Congress saw fit to tax the product with which it is dealing to secure that revenue I would say that would be a good thing.

Senator REED of Missouri. How much of an additional force do you think you would need to keep this alcohol from getting out in any greater quantity than 10 per cent? We are losing 1 gallon out of 10 now. To keep it at that same level, striking out the denaturing process and substituting for it a force to compel obedience, how much of an additional force do you think you would need?

Doctor DORAN. I could not express an opinion on that.

Senator REED of Missouri. You have no idea about that?

Doctor DORAN. No, sir.

LETTER FROM MR. G. G. GREEN, WOODBURY, N. J.

Mr. President, I have received numerous letters from legitimate users of alcohol protesting against the Cramton bill, and I want to quote several paragraphs from one which is typical of all. It was addressed to me by Mr. G. G. Green, sole manufacturer of Boschees German Syrup, Green's August Flower and Ague Conqueror, Woodbury, N. J., with branches in Toronto, Canada, Sydney, Australia, and Barcelona, Spain, and reads in part as follows:

We oppose this bill which seems to be intended to concentrate into one organization the entire administration of the present prohibition laws, subject only to the supervision of the Secretary of the Treasury.

The passage of the Cramton bill would deprive legitimate alcohol users and dealers of the right of appeal to the Commissioner of Internal Revenue of any unnecessary rulings and regulations promulgated by the Prohibition Commissioner. Experience has shown the value of the Internal Revenue Commissioner's knowledge of the law and his familiarity with the technical problems of the manufacturing chemical and drug trades using alcohol. These qualities have enabled him on many occasions to protect legitimate interests when threatened with an abuse of power on the part of the Prohibition Commissioner.

The enactment of this bill would give a free hand to officials whose chief concern is the pursuit of law violators, and who, as demonstrated by experience, give very little consideration to the needs of manufacturers who employ alcohol as an essential raw material.

Our experience has been that the Prohibition Department officials are inclined to stretch their authority beyond that contained in the law; for instance, something over a year ago they brought forth a form of bond required of all those holding "H" permits, containing a clause for 25 per cent liquidated damages in addition to the penalties prescribed by the act itself. This bond was strongly objected to by the drug trade, and on appeal to the Commissioner of Internal Revenue T. D. 3398 was revoked, and the objectionable clause eliminated from the bond.

Further, within recent weeks a prohibition memo has been issued by the Prohibition Commissioner to collectors of internal revenue throughout the United States directing them to surcharge upon permits already issued additional conditions by which we would be required to exact from all persons to whom we sell proprietary medicines containing alcohol (which medicines have been examined and declared by the United States Prohibition Department to be unfit for beverage use) a pledge that they keep certain records and make certain reports if called upon to do so under penalty of forfeiture of our manufacturing permit to use alcohol.

It is our opinion that the Prohibition Department has no authority of law for imposing such conditions, and while we are entirely willing to assist enforcement of the prohibition act, we object to waiving any of our privileges or surrendering any of our rights in the legitimate use of nonbeverage alcohol in the manufacture of proprietary medicines which we have marketed for more than 50 years. We therefore take the liberty to ask that you will oppose this unnecessary and unjust legislation.

LETTERS FROM THE A. P. BABCOCK CO.

Mr. H. Henry Bertram, president of the A. P. Babcock Co., perfumers, whose executive offices and sales department are at 501 Fifth Avenue, New York City, and whose general offices, laboratory, and works are at No. 50 Paterson Avenue, Rutherford, N. J., has written me a letter, from which I quote this paragraph:

You probably know that this bill (the Cramton bill) provides that the supervision of all users of alcohol, whether nonbeverage or denatured, shall be transferred from the collectors of internal revenue and their experienced field assistants, who are familiar with the needs of industry, to the prohibition directors and their aids, many of whom have been demonstrated to be incompetent, fanatical, and dishonest. The bill further expands the authority of the Prohibition Commissioner and, if enacted, would empower him to impose the most drastic restrictions upon the operations of all manufacturers using alcohol.

LETTER FROM MERCK & CO.

Merck & Co., manufacturing chemists, with main offices at No. 45 Park Place, New York City, branches at St. Louis and Montreal, and works at Rahway, N. J., write, in part, as follows:

Past experience has pretty well demonstrated that manufacturers like ourselves would be compelled to depend for their supplies of essential chemical raw material upon prohibition officials in whose minds the liquor question is always paramount to the consequent detriment of the users of alcohol in proper industrial development.

The PRESIDENT pro tempore. The question is upon agreeing to the motion of the Senator from South Dakota [Mr. STERLING].

Mr. KING. Let the motion be stated.

Mr. CARAWAY. Mr. President, I am not going to interfere with this agreement with the Senator from South Dakota, but I am going to say that I think it is a mistake on his part. There is complaint as to the manner in which prohibition is being enforced by certain people now in the service. What we are actually asked to do now is to give those people a lifetime status. The Senator is not changing anybody. He is proposing to strike out all of the bill providing for a reorganization of the bureau and trying to get an efficient enforcement of the law, and merely covering into lifetime positions every man against whom some complaint has been heard.

Mr. STERLING. Mr. President, I regret very much the circumstances under which I am compelled to make a statement concerning the bill, consideration of which was moved by myself. That was my motion, and from the decision of the Chair that it was the pending motion there was an appeal, which is the pending question.

Mr. President, I do not want now, at this late hour in the session, to be put in the attitude of working here for an object which it is very apparent can not be attained at this session of Congress. I am very much in earnest in regard to the so-called Cramton bill, creating a bureau of prohibition and providing that employees in the prohibition bureau shall be under the civil service; but I have become convinced during the last

hour of the utter futility of proceeding further with the discussion of this bill as an entirety. So I desire to say that if the appeal from the decision of the Chair is withdrawn and the bill is permitted to be laid before the Senate, I shall propose amendments to the bill which will strike out all of the provisions of the bill save section 3, which pertains to the civil service and the putting of employees of the Prohibition Unit under the civil service.

Mr. REED of Missouri. Mr. President, with the indulgence of the Senator from New Jersey—

Mr. EDWARDS. I yield to the Senator from Missouri.

Mr. REED of Missouri. I understand the request of the Senator from South Dakota is that he be permitted now to ask to amend the bill by striking out all of the bill except section 3, and that he proposes in that form—

Mr. STERLING. Except two or three minor amendments, of course, that must necessarily be made if the rest of the provisions of the bill are stricken out except section 3, because section 3, as the Senator will recall, refers to the "commissioner of prohibition." If the rest of the bill is stricken out, there will be no commissioner of prohibition, and we will have merely the Commissioner of Internal Revenue, as under existing law. In the body of section 3, line 13, occurs the expression "bureau of prohibition." There will be no "bureau of prohibition" if the rest of the bill is stricken out, and we will want to change that to "Prohibition Unit," the name by which the prohibition division is now known.

Mr. REED of Missouri. With those two exceptions or those two amendments made to section 3 of the bill, the Senator proposes to adopt section 3 and withdraw all other parts of the bill?

Mr. STERLING. Yes. There is one other slight amendment. We should change the number of section 3 to section 1.

Mr. REED of Missouri. Yes. That will, of course, carry the bill to conference if it is passed in that form.

Mr. STERLING. Yes.

Mr. REED of Missouri. Now, I want a further understanding that the Senate conferees are going to stand by the bill as here passed, and that they are not going to come back here with this bill again in the form of a conference report.

Mr. CURTIS. I would suggest that instead of asking for a conference, we make the amendments suggested and send the bill back to the House and let them ask for a conference if they want it.

Mr. REED of Missouri. But if there is a conference I want to know that our conferees are going to stand by the action of the Senate.

Mr. STERLING. I will say to the Senator from Missouri that if the matter goes to conference and if I am one of the conferees, as I probably shall be, I shall stand by the action of the Senate.

Mr. REED of Missouri. I suggest, if the Senator will do so, that he move to adhere to the Senate bill. That will remove any danger. We have this matter beaten. To put it plainly, the bill is just as dead as Julius Caesar right now if we simply stand here and fight it. I do not want to delay the business of the Senate, but if we now concede the advantage we have, I want to know that in good faith the proposition as now submitted by the Senator from South Dakota will be adhered to and we will not be distressed by having to renew the conflict.

Mr. STERLING. If there were no other considerations, I would realize the uselessness of bringing back here the original bill.

Mr. REED of Missouri. Very well. I can not agree for the Senate; I can only agree for myself. If I may have the further indulgence of the Senator from New Jersey—

Mr. EDWARDS. I yield further to the Senator from Missouri.

Mr. REED of Missouri. I am willing for the considerations that have been put forward, but particularly, in order that the other business of the Senate may proceed, to withdraw the appeal from the decision of the Chair. I do want to say, however, in withdrawing it that I am not conceding the correctness of the decision. I say that not because I am concerned in this particular decision, but because I fear its effect as a precedent. That I have discussed. I am very sure that if the present occupant of the chair, who is as good a lawyer as I know, will examine the question with a little more thoroughness he may have occasion to modify his ruling. When the bill gets in the form that the chairman of the committee has suggested I want to have the privilege of saying a very few words about it. I shall take but very little time.

The PRESIDENT pro tempore. The Chair understands that the appeal is withdrawn. Is there objection? The Chair hears none, and the appeal is withdrawn.

Mr. STERLING. The Senator is in error when he says they are covered into the service.

Mr. CARAWAY. No; I am not in error.

Mr. STERLING. Those in the service will have to take a competitive examination within six months.

Mr. CARAWAY. The Senator need not go into that. We are not fooling each other. It means that every man in the service now is going to remain in the service with a lifetime job. There is complaint about the manner in which some of them are enforcing the law, and we are simply surrendering the right for the Senate to express its opinion about whether or not prohibition shall be honestly enforced, as all of us believe it should be, and saying that we will merely cover into lifetime positions those men against whom complaint has been made.

If the Senator from South Dakota wants to surrender in that way, I am going, under protest, to let him do so. I would much rather see the whole matter fail. Everybody knows that there are not a dozen men in the Senate who oppose the enforcement of prohibition under some kind of law that will make it effective, but the Senator is going to surrender to those dozen and take a compromise which means to put into service for life the very men against whom complaint is being made now because they do not enforce the law.

Mr. STERLING. The Senator from South Dakota takes exactly the contrary view in regard to that matter. I think we will have a higher type of men in the service, just as we have in every other department of the Government.

Mr. CARAWAY. The Senator knows that we are merely getting the same men, but putting them into life positions.

Mr. FESS. Mr. President, will the Senator yield?

Mr. STERLING. I yield to the Senator from Ohio.

Mr. FESS. Do I understand that the Senator from South Dakota has withdrawn his unanimous-consent request?

Mr. STERLING. The Chair was about to put my motion. Why not let it be decided?

Mr. BORAH. For the reason that it would displace the unfinished business.

Mr. STERLING. Mr. President, the suggestion has been made that if the motion is not withdrawn and is agreed to it might displace the unfinished business. So I ask unanimous consent to withdraw the motion, and that the bill be placed before the Senate.

Mr. KING. I object.

The PRESIDENT pro tempore. The Senator from South Dakota withdraws his motion to proceed with the consideration of House bill 6645.

Mr. KING. A parliamentary inquiry.

The PRESIDENT pro tempore. And the Senator asks unanimous consent to proceed to the consideration of that bill.

Mr. KING. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. STERLING. Then, Mr. President, I move that the Senate proceed to the consideration of the bill, with the understanding that the amendments shall be offered which I have already suggested.

Mr. ASHURST. Mr. President—

Mr. KING. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state it.

Mr. KING. Is the motion of the Senator from South Dakota debatable?

The PRESIDENT pro tempore. The Chair has already held that the motion is debatable.

Mr. KING. I yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, I am not at all pleased to see my honorable friend, the Senator from South Dakota, surrender at this juncture. I do not believe in surrendering before the bill is defeated; I believe in surrendering only after we are defeated. I wish the able Senator from South Dakota had pressed forward with this important bill, the Cramton bill, and at least held it here for 24 hours more. I heard the able speech of the junior Senator from Arkansas [Mr. CARAWAY], in which he pointed out the importance of this bill, and it is a matter of regret to me that such important legislation, after a brilliant "gesture" of this sort, should be abandoned. I would not wish to be a private in a regiment led by such a colonel as the Senator from South Dakota; he surrenders so easily. But he is the commander on this legislation.

Mr. BORAH and Mr. STERLING addressed the Chair.

Mr. ASHURST. I yield, of course, to the Senator from Idaho.

The PRESIDENT pro tempore. The Senator from Arizona yields to the Senator from Idaho.

Mr. BORAH. I understand that there is very little now left of the bill calculated to excite anybody's interest or enthu-

slasm. I shall not oppose, however, the program of the Senator in charge of the bill, provided we do not pay the high price of displacing important bills. If this matter may be taken up by unanimous consent, perhaps, that is the best way to dispose of it, and get it out of the way so that we may consider another matter, but if the motion is to be made to displace a very important bill I shall oppose it and vote against it, because I do not think that which is left in the bill is of any considerable moment or value or is sufficient, at least, to justify such a procedure.

Mr. ASHURST. Mr. President, I yield the floor.

Mr. PEPPER. Mr. President, before the vote is taken, I should like to call attention to the fact that if the motion of the Senator from South Dakota [Mr. STERLING] shall prevail it will displace the business which is now before the Senate and will make it doubtful as to just which measure will then come before the Senate for consideration. The result will be that, for an emasculated bill, which can excite the enthusiasm of nobody, we shall have sacrificed the orderly procedure of the Senate, and the attention of the Senate will be distracted from matters of real importance which follow in one, two, three order. I very much hope the motion will be defeated.

Mr. STERLING. Mr. President, the reason for my statement and for my asking that the course I have just suggested be taken, was not because I was willing to surrender, as intimated by the Senator from Arizona [Mr. ASHURST], but I saw the absolute futility of proceeding with the discussion of this bill.

Moreover, we might discuss this bill until to-morrow night and the effect would be to prevent action upon other important business before the Senate. Those were the motives that induced me to make the statement which I did with reference to the agreement that I was willing to enter into.

I very much regret that my request for unanimous consent was objected to, because I did not know but that agreeing to take up the bill on motion might have the effect of displacing the unfinished business, and above all things, at this juncture, I do not wish to interfere with the orderly business or procedure of the Senate.

I hope the Senator from Utah [Mr. KING] may withdraw his objection to my unanimous-consent request. I do not believe there is another Senator here but appreciates the situation right now and the uselessness of trying to proceed with the so-called Cramton bill. I would be willing to stay here throughout the night and all day to-morrow and to-morrow night if I thought we could get this bill through, but I know, in the face of the determined efforts to defeat it, there is no chance of getting it through. The statement was made weeks ago that it would never get through the Senate, but I had hoped that the opposition then manifested would give way to the sentiment of the Senate and to what the majority of the Senate would be willing to do, the action on the bill it would be willing to take. It is evident, however, that the opposition is not giving way but still continues and is determined to continue until the end of the session for the purpose of defeating this bill. I think the civil-service provisions constitute a very important feature of the bill which is retained, although there are Senators who say that it is proposed to eliminate all the provisions of the bill which will arouse any enthusiasm. The putting of the employees and agents in the Prohibition Unit under the civil service will undoubtedly lead to better enforcement of the law.

Mr. BORAH. I do not agree with the Senator.

Mr. STERLING. The Senator may not agree with me.

Mr. BORAH. If there is any thoroughly well-organized fraud in the Government of the United States, it is the civil service as it is now administered.

Mr. STERLING. Oh, well, the Senator from Idaho would like to go back to the old spoils system.

Mr. BORAH. I undertake to say that the civil service is so administered as to get and keep everybody into the service that politics wants to keep in and to get everybody out that they want to get out. It is the spoils system in the name of civil service.

Mr. STERLING. The people of the United States will never return to the spoils system of appointment to office.

Mr. BORAH. I am not assuming to speak for the people of the United States now; I am expressing my individual views.

Mr. STERLING. Yes; but the Senator's views are contrary to the views of the great majority, and to a growing opinion that will never abolish the civil service.

Mr. BORAH. We all make mistakes about majorities sometimes.

Mr. STERLING. Yes.

Mr. KING. I think that the vote—

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. STERLING. I yield.

Mr. KING. I think the vote in the Senator's own State recently would rather negative the contention which he is now making.

Mr. STERLING. Oh, Mr. President, it seems to me a little far-fetched—and I would in ordinary parlance use the word "small"—to refer to political conditions in South Dakota at a particular time last year—I speak advisedly when I say "a particular time"—and under peculiar circumstances and under peculiar influences. I had hoped not to say a word in regard to political conditions in South Dakota, but Senators here have led to the statement.

Mr. REED of Missouri. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. STERLING. I yield.

Mr. REED of Missouri. I think it was ungenerous to refer to the result in South Dakota, because I agree that the political conditions in South Dakota are almost as bad as the moral conditions in the Prohibition Unit [laughter]. I beg to suggest to my friend from Idaho, however, that I think for once he has overlooked an important fact. He declaims against the civil service; I agree with him that it is a most outrageous fraud; but, nevertheless, I insist that it would be a purifying agency if applied to the frightful conditions that now exist in the Prohibition Unit.

Mr. BORAH. Then I understand the Senator wants the civil service applied to the Prohibition Unit?

Mr. REED of Missouri. Yes; because—

Mr. BORAH. In the belief that it will more thoroughly enforce the law?

Mr. REED of Missouri. No; but in the belief that any change in the Prohibition Unit would be beneficial.

Mr. BORAH. What I say is that the civil service, as it is being administered, is a total failure. I believe it will be a failure when applied to Prohibition Unit.

Mr. REED of Missouri. I agree with the Senator.

Mr. BORAH. I do not know whose fault it is, but they cover all of the incompetents that they seem to be able to get hold of.

Mr. REED of Missouri. That would only afford them a little more raw material.

Mr. CARAWAY. Very "raw."

Mr. STERLING. Mr. President, consent to my request for unanimous consent having been refused, I must insist on my motion.

Mr. KING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. STERLING. I yield.

Mr. KING. Mr. President, the bill before us in its original form was very bad; it has been made worse, if possible, by the elimination. I think it should be discussed; I do not want to displace, however, the banking bill. So I withdraw the objection to the unanimous-consent consideration of the bill; but then I understand that the parliamentary situation is that it is subject to debate?

The PRESIDENT pro tempore. The Chair understands the Senator from South Dakota withdraws his motion?

Mr. STERLING. No; the Senator from Utah withdraws his objection.

The PRESIDENT pro tempore. The question, then, is on the motion of the Senator from South Dakota.

Mr. STERLING. The Senator from Utah has withdrawn his objection to the request for unanimous consent.

The PRESIDENT pro tempore. But the motion of the Senator from South Dakota must be disposed of before the request for unanimous consent can be presented to the Senate.

Mr. STERLING. I ask unanimous consent to withdraw the motion.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. STERLING. Now, I ask unanimous consent that the bill may be laid before the Senate.

Mr. KING. A parliamentary inquiry. With the consent being granted it would not displace the banking bill? I ask that in the interrogative form.

The PRESIDENT pro tempore. The Chair is of the opinion that the banking bill is the unfinished business. It was temporarily laid aside, and then resumed, and at that point the Senator from South Dakota made his motion to proceed to the consideration of this bill.

Mr. KING. And, of course, it would follow obviously that, with the disposition of this bill, the banking bill would automatically come before the Senate?

The PRESIDENT pro tempore. That is correct. Is there objection to the request of the Senator from South Dakota?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6645) to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department, and to define its powers and duties.

Mr. STERLING. Mr. President, I offer the following amendments:

First, strike out all of the bill after the enacting clause down to line 4 on page 5 of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

Mr. BRUCE. Mr. President—

The PRESIDENT pro tempore. The Senator from Maryland.

Mr. BRUCE. I do not want to interfere unduly with the course of procedure that the Senator from South Dakota is pursuing; but if I understand him correctly to have offered this amendment, I should like to make just a few observations on it.

Mr. STERLING. Very well.

Mr. BRUCE. May I ask the Senator whether he proposes to offer any other amendments?

Mr. STERLING. Yes; I propose to offer an amendment striking out all of the bill after section 3, and there are two or three minor amendments that must be made in section 3.

Mr. BRUCE. Mr. President, to this bill in its original form I was irrevocably opposed; but now, of course, I find myself faced with the simple question as to whether, with these proposed amendments, I am or am not prepared to waive my objections.

I would not have supposed that any situation could possibly arise in which I could for one moment hesitate to vote for a proposition extending the merit system of appointment. Unlike the Senator from Idaho [Mr. BORAH] and the Senator from Missouri [Mr. REED]—for whose opinions upon every question I have a very high degree of respect—I am a believer in the merit system of appointment, whether applied to the National Government or to the States or to the municipalities of the country. I took occasion some time ago to say that upon that subject my convictions are hardly less enthusiastic than those which the late Rev. Henry Ward Beecher voiced in the latter part of his life. He had become interested in the great movement which contemplated the substitution of the merit system of appointment for the old spoils system of appointment, and on one occasion in the course of a speech he said that he had become so profoundly wedded to the former system that he was inclined to believe that even entrance into the kingdom of heaven should be regulated by competitive examination.

I had supposed that it was impossible for so able, so enlightened, and so public-spirited a Senator as the Senator from Idaho [Mr. BORAH] at this late day in the history of the United States to say that he thought that the civil-service system of the Federal Government was a highly inefficient one. I do not recollect the exact words that he employed. Then, pray why is it that every man who is elected by the suffrages of the American people to the exalted office of President feels that an imperious obligation rests upon him, before he goes out of that office, to extend the Federal merit system of appointment to thousands and hundreds of thousands of additional offices?

Somebody has said—and it is a fine thing to be said of any part of our common country—that when a rich New Englander dies it is thought that his reputation is in some measure discredited unless he leaves a legacy to Harvard College; and so, for a long time past, every President of the United States, whether it was Ulysses S. Grant or Grover Cleveland or Theodore Roosevelt or William Howard Taft or Woodrow Wilson or Calvin Coolidge, has felt that his reputation would be in some sense dishonored were he to surrender his great office without giving still another extension to the merit system of appointment in the sphere of the National Government. Not only has this system been broadened until it includes now the great mass of the subordinate offices under the Federal Government, but almost every year witnesses the extension of that system to the public service in the different States or cities of the Union also.

It is no new thing, this thing of decrying the merit system of appointment, of saying that it is a humbug, a farce; that it does not work practically. I have heard that talk ever since

my boyhood. Sometimes when I hear it I am reminded of the Turkish proverb. Strange as it may seem, the Turkish proverbs are the best of all popular proverbs. It is "The dog barks, the caravan passes." So it is with the enemies of the merit system of appointment. From time to time they snarl and howl, but most of them fail to face a roll call.

When the proposition is fairly put up to the Senate or to the House to repeal any part of the civil-service system, that proposition usually meets with defeat. So I say that it is a source of sincere regret to me when I see some Members of Congress for whose talents, for whose abilities, for whose public spirit I entertain the highest degree of admiration giving countenance to assaults upon the merit system of appointment that would not stand the slightest chance of success but for their conspicuous influence.

All the same, I am bound to confess that I have just a little misgiving when I come to vote for the pending proposition to extend the merit system of appointment to the prohibition service. I think that it is a wise thing that the bill should make no provision for covering into the civil service of the country the existing incumbents of offices in the Prohibition Unit; but I even feel disposed to say of the bill, despite that fact that I dread the Greeks even when they come with gifts in their hands.

As I look at it, prohibition has no real moral sanction behind it; and in my judgment that is the reason why up to this time it has proved absolutely unenforceable and will always continue to be so. Having no such moral sanction there is always the danger of its exerting a more or less demoralizing, not to say corrupting, influence over any public servant, whether of low or high degree, who is in any way associated with its practical workings.

A short time ago I was told a story of a man coming back into the United States—I will not say at what point—and bringing back with him three or four bottles of whisky in his bag. When he reached this country he placed one of these bottles on the top of the contents of his bag and turned away, after leaving a card on the bottle on which he had penciled the words "This bottle is for the inspector." When he returned to his bag the bottle was gone, and the card had been reversed, and on the other side of it the individual who had taken the bottle away had scribbled, "You are a gentleman."

About the same time I was told of another citizen of the United States who arrived on our soil with two or three bottles of whisky under the heavy overcoat that he was wearing. He took his seat in a motor car and thought that he was entirely safe, when he looked up and, to his consternation, saw that he had been followed. He supposed, of course, that he might be arrested, but, very much to his relief, his official pursuer said, "You can not take all those bottles of whisky away with you; you must give me one."

Those are trivial things in themselves, but they are simply two of the many cases that I could mention showing how demoralizing any personal contact with the operations of the prohibition system must be.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield to me for an observation?

Mr. BRUCE. Certainly.

Mr. WALSH of Massachusetts. Confirming what the Senator has said about there being no moral sanction behind this law, I want to say that I heard an address a few nights ago by a justice of one of the higher State courts of this country, in which he stated that he had just finished the trial of 22 jury cases for violations of the prohibition law; that there had been 22 acquittals, and that in his opinion every jurymen sitting in those 22 cases had violated his oath. He was deploring the attempt to enforce a law which was bringing about violations of oaths by public officials and jurors.

Mr. BRUCE. Precisely. I recollect that some time ago the United States district attorney in Wisconsin said that it was idle for him to secure any more indictments against violators of the Volstead Act, because he could not obtain any convictions from juries. That is the fatal defect, of course, of absolute prohibition—there is no moral sanction behind it, and it is impossible, as I see it, to make any thoroughly rational man feel that there is any real criminality in disobedience to such a purely arbitrary and artificial thing.

Some time ago I took occasion to recapitulate the recent incidents in the history of the country demonstrating the unenforceability of prohibition, and if I had the time it would be interesting to bring that recapitulation down to date. Only in the last few days my attention has been called to the fact that every year, or practically every year, since the passage of the Volstead Act there has been a steady increase in the

number of arrests for drunkenness in the City of New York, 1920 being a possible exception, when the bootlegging industry had not become thoroughly organized as it is now.

Mr. REED of Missouri. And when some of the old whisky was left over.

Mr. BRUCE. Yes; and when some of the old whisky was left over, though by no means enough to supply the present demand for drink, and when the people had not yet learned to any degree the art of brewing and distilling in their own houses.

The same thing is true of the city in which I live. Every year, or practically every year, since the passage of the Volstead Act there has been a steady increase in the number of arrests for drunkenness in Baltimore. Not only that, but every year, or practically every year, since the enactment of the Volstead Act in many communities in the United States there has been a steady increase in the number of deaths from alcoholism. In 1918 in the city of New York the total number of deaths from alcoholism was 16. Last year—1924—it was 499. Of the eight persons who died in the Baltimore City jail last year, six died from alcoholism. In a large portion of the United States there is not only little heed paid to the Volstead Act but a growing disrespect for laws of all sorts.

It was stated in the Washington Post only a day or so ago that the foreman of the grand jury here in the city of Washington had just been arrested for driving his motor car while under the influence of liquor. I am sure that there is more than one man in this body who could tell of instances in which even judges in this country, after sitting on the bench in the morning and committing batches of hapless wretches to prison, have sat down at night at tables on which there was wine or spirits. The whole thing is an abomination in its practical results.

Mr. EDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from New Jersey?

Mr. BRUCE. I yield.

Mr. EDGE. I do not want to take the time of the Senator, but in connection with the proposed bill I have a letter from a representative of Colgate & Co., a very well-known firm of manufacturers of soaps and perfumery in New Jersey—in fact, internationally known—expressing his opposition to the Cramton bill as it was first before the Senate. This correspondent is likewise an official in various chemical associations. If the Senator does not object I should like to have the letter inserted in the RECORD.

Mr. BRUCE. I yield for that purpose.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Jersey?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COLGATE & COMPANY,
New York, February 25, 1925.

Hon. WALTER E. EDGE,

United States Senate, Washington, D. C.

DEAR SENATOR EDGE: I have just received a copy of proposed amendments to the Cramton bill, H. R. 6645, submitted by Senator BAYARD on the calendar day February 20.

These amendments are very much better from all standpoints than the Bigelow amendments which were written into the bill, and I earnestly request that when this bill comes before the Senate you will urge the adoption of the Bayard amendments, although I still submit that the administration of alcohol for legitimate industry should not be carried out by a prohibition commissioner or anyone under him, and that only prohibition matters should come under the authority of the Prohibition Bureau.

Very truly yours,

MARTIN H. ITTNER,
Chairman Committee on Industrial Alcohol,
American Chemical Society,
Chairman Committee on Industrial Alcohol,
American Institute of Chemical Engineers.

Mr. EDGE. If the Senator will further permit me at this time, while on my feet, presuming there will not be a record vote on the measure, in its proposed amended form, to say that I am heartily in sympathy with and in favor of the provision which will place prohibition officers under the civil service.

Mr. CARAWAY. Mr. President, may I ask the Senator from Maryland a question?

Mr. BRUCE. Certainly.

Mr. CARAWAY. Did I understand the Senator from Maryland to say that judges sat on the bench and sent people to jail for violating the prohibition law, and then themselves went out and got drunk?

Mr. BRUCE. I did not say they got drunk. I did not say that, with due regard to the Senator.

Mr. CARAWAY. What did the Senator say?

Mr. BRUCE. I said I had heard of instances in different parts of the United States where judges, after condemning prisoners for violations of the Volstead Act in the morning, from the bench, sat down at dinner in the evening at tables at which the Volstead Act was being violated.

Mr. CARAWAY. Does the Senator understand those to have been Federal judges?

Mr. BRUCE. The Senator can readily understand the reason why nobody would want to go too closely into details with regard to a matter of that sort.

Mr. CARAWAY. With all due deference to the Senator—and I am not criticizing him—I do not believe in an indefinite charge being made against the judiciary, that judges themselves are conniving at a violation of the law which they have been sworn to enforce. If any judge does that, I think any good citizen ought to call attention to that fact and let him be impeached. It is unthinkable that a judge shall send a man to jail for doing what he himself does. Any judge who does that should not be permitted to remain upon the bench.

Mr. BRUCE. Then, if the ideas of the Senator from Arkansas were carried out strictly, a judge would simply have to eschew social life altogether.

Mr. CARAWAY. Does the Senator imagine—

Mr. BRUCE. Take the city in which I live. I can say that I know of few persons in that city who had wine on their tables before the adoption of the eighteenth amendment who do not have it on them to-day, or who were in the habit of offering a cocktail to their guests before dinner who do not do so to-day. A judge has no choice about sitting down at a table on which there is wine unless he is ready to renounce social life altogether.

Mr. CARAWAY. Does not the Senator think that under such circumstances a judge should renounce social life, or else get off the bench, if there is no alternative?

Mr. BRUCE. The Senator said to me this morning that he was afraid that I was too stern a moralist. I come back at the Senator from Arkansas and say that I am beginning to form that apprehension about him.

Mr. CARAWAY. I am losing all fear that the Senator has become too stern a moralist.

Mr. BRUCE. I will not reply to that by saying that I, too, have lost confidence, perhaps, in the Senator from Arkansas in some particulars. I will not say that, because I have not. I am not going to indulge in any needless personalities when it comes to the Senator, because we are very good friends. Any judge in the United States, in any community where rigorous ideas about the enforcement of prohibition do not prevail might well say with Edmund Burke—the Senator from Missouri [Mr. REED] was quoting the observation to me only a few days ago—"I know not how to frame an indictment against a whole people."

Mr. GLASS. Mr. President, the Senator has done just that. He has framed an indictment against all the people of Baltimore. The Senator says nobody can enter the social life of Baltimore without violating a Federal statute.

Mr. BRUCE. I am sorry to say that we are so hopelessly unregenerate that we do not feel that we are so vile after all. The feeling in Baltimore City, and to no little extent in other communities in the United States, is not unlike the feeling that the old abolitionists and free-soilers had about the guaranties of slavery in the Federal Constitution. They simply could not be made to see that there was anything sacred about those guaranties or the fugitive slave law.

Mr. CARAWAY. Mr. President, may I interrupt the Senator a moment? Of course, I do not pretend to be criticizing the Senator, for I have the greatest of liking for him.

Mr. BRUCE. That is heartily reciprocated.

Mr. CARAWAY. Seriously, does not the Senator think that national prohibition has brought a great measure of sobriety to America?

Mr. BRUCE. Senator, how can I think that, as far as the community in which I live is concerned, when, as I have said, practically every year since the enactment of the Volstead law has seen an increase in the number of arrests for drunkenness in Baltimore and in the number of deaths from alcoholism?

Mr. CARAWAY. May I just say this to the Senator, without interrupting him further, that my observation has been to the contrary. I see comparatively no drinking now. I have not seen an offensively drunken man in the District of Columbia in a year. If I may be permitted to interrupt the Senator, in former days, when I would walk down Pennsylvania Avenue, I would be importuned, by some who were already drunk

and wanted to get drunker, for a nickel or a dime to buy an additional drink. I have not seen a drunken man on a train, I have not seen one in a hotel, I have not seen one in any public place who was at all offensively drunk—and I mean by that so drunk that he did not understand what he was doing and therefore made a spectacle of himself—in so long that I do not recall the last instance, and it used to be a common sight. I honestly do not believe there is one-tenth as much drunkenness now as there was when the Volstead Act went on the statute books.

Mr. BRUCE. Has the Senator any idea how many people were arrested in Washington last year for drunkenness? If he has not, I will give him the exact statistics.

Mr. CARAWAY. I know that now the authorities frequently arrest a man for being drunk when he would have been thought almost sober under the old order of things.

Mr. BRUCE. I find it impossible to agree with that. On the contrary, I think that under existing conditions there is much less likelihood of arrests for drunkenness being made so frequently as under the old system, for this reason: Formerly a man would go down to a saloon and drink too much, and stagger homeward, and be arrested by the police on the street. Now he brews his liquor in his own house, or gets it from a bootlegger, and he drinks it in his own house, and therefore when he becomes drunk he is not so likely to be brought under the scrutiny of the police.

Mr. CARAWAY. The Senator actually thinks, then, that people are drinking now just to show that they have no respect for the law?

Mr. BRUCE. I think that some people at present are, to no small degree, led to drink to excess simply out of a spirit of adventure, merely because it is an illicit thing to do. One of the very worst features of prohibition is the appeal that it makes to what after all within legitimate limits is one of the most beautiful features of the youthful character—the love of excitement, of adventure. Only yesterday I picked up a newspaper and saw that the Soviet Government of Russia had resolved to put an end to the prohibition of the use of vodka, among other reasons because it found that the attempt to suppress the sale of vodka was having a most unfortunate effect on the youth of both sexes in Russia.

Mr. CARAWAY. Of course, I can not speak of the morals in Russia. I have never been there, and until they change their form of government I am not going.

I am not talking about the Senator now, but those in high places, as the Senator said, who are discrediting the law, judges and so-called society people who insist on ignoring it, and some people in other places that give them prominence are discrediting the law—mind you, I am not speaking of the Senator—by saying "We can not enforce it." I have no doubt at all if we would amend the law, if the majority that sit here ready now to support the so-called Cramton bill were permitted to express themselves, it would to a very large extent put an end to the agitation for the repeal of the eighteenth amendment and the weakening of the Volstead Act. The agitation comes from people who have not the right to know or have not the opportunity to know and to judge of public opinion and who are misled by people in high places saying that the law is a failure and that they believe it will be repealed, and therefore they keep on with the agitation.

If the Congress would but say that the eighteenth amendment is a part of the Constitution and every good man must obey it, and that this law is the law of the land and it is the duty of everybody to respect it, if they would do that by passing the Cramton bill to strengthen that law, I have not any doubt at all that within a very considerably less time than will now happen the people would respect the law and obey it. They are going to do that anyhow. There is no doubt about that. Prohibition has come to stay, and we have seen the last generation that are going to insist upon the right to get drunk and destroy themselves in order to assert their personal liberties.

Mr. BRUCE. How can the Senator say that when the undeniable facts are that in many portions of the United States there is an increase in the number of arrests for drunkenness from year to year and also a great increase in the number of deaths from the use of alcohol? In the face of those facts I do not see how he can indulge in such rosy dreams. We see the Government calling, or about to call, into service no less than 332 armed vessels of one sort or another for the purpose of putting down the smuggling of liquor into the country, and yet unable to put it down. We see year after year the appropriations of the Government for the purpose of enforcing prohibition enormously increased, but apparently without any real effect. We see a close alliance, dislike it as

we may, in many communities in the country—I am not speaking by any means of all—between the most reputable and the most disreputable members of human society, an alliance such as has never been known before in the history of morals in the United States.

Mr. GLASS. How can there be an alliance, if the Senator will permit me, between reputable people and disreputable people?

Mr. BRUCE. Oh, the Senator might just as well have said to the old free soiler, "How can you set up any profession of exalted moral feeling when you are violating the Federal Constitution and the fugitive slave act?"

Mr. GLASS. I think there is a very great difference between the moralist who wants to abolish slavery and the moralist who wants to get drunk and let other people get drunk.

Mr. BRUCE. But there is the fatal infirmity in the Senator's reasoning. There are thousands and thousands, hundreds of thousands and hundreds of thousands, millions and millions of men and women who can drink in moderation without the slightest injury to themselves or others, and that is the true reason why prohibition can not be enforced.

Mr. CARAWAY. Does the Senator seriously believe that drinking promotes morality?

Mr. BRUCE. No; but—

Mr. CARAWAY. Does it destroy morality?

Mr. BRUCE. Drunkenness is far more due to the weakness of the drinker than to the strength of the drink. A man who is weak enough to become a miserable toper or drunkard would probably be weak enough to fall into some other form of sensual indulgence that is equally as injurious, or even more so.

Mr. CARAWAY. Does the Senator think that none but the weak get drunk?

Mr. BRUCE. I think that there must be a streak of weakness somewhere in the human character for any man to get drunk; a thing that is abhorrent to me.

Mr. CARAWAY. If it is abhorrent to the Senator for people to get drunk, why would not the Senator be willing himself to abstain and encourage others to do it, and let us enact a law to make others refrain, so that the man who is too weak to resist shall not be destroyed by his own weakness?

Mr. BRUCE. The Senator might as well ask me why the pleasure car should not be altogether abolished, because it is often made an instrument of immorality or criminality by somebody else than myself?

Mr. CARAWAY. We have abolished a great many things that are not inherently wrong, but their abuse by society has become evil, and therefore we say that society has surrendered some of its so-called rights in order that it may protect itself as a whole.

Mr. BRUCE. I can imagine such a case.

Mr. CARAWAY. Most of the criminal acts are criminal acts merely by reason of the enactment of a statute which society thought was necessary.

Mr. BRUCE. They are not. My conscience tells me that it is wrong to steal. My conscience tells me that it is wrong to murder. My conscience does not tell me that it is wrong to take a drink.

Mr. CARAWAY. Perhaps the Senator's conscience tells him a great many things that are now against the law are not inherently wrong, but he would respect them because they were the law.

Mr. BRUCE. One of the curses of modern legislation, I think, is the creation of innumerable artificial crimes and offenses even outside of the domain of prohibition.

Mr. CARAWAY. Does the Senator feel that every good citizen has the right to set up his own conscience as the test and say "This law is valid because I approve of it"?

Mr. BRUCE. I do not. I respect the judge, no matter what my convictions may be about prohibition, who sits on the bench and sternly enforces the prohibition laws.

Mr. CARAWAY. Is there any more obligation upon the judge to respect the law than there is on every other citizen in America to respect the law? We can not set up our individual opinions and say, "This law is good and that one bad, and I shall respect this one and disregard that one," and expect to have society respect the law.

Mr. BRUCE. Abstractly that reasoning may be sound, but the Senator knows as well as I do that neither all law nor all government is on paper.

Mr. CARAWAY. I have discovered that.

Mr. BRUCE. As I have said, coming back to the analogy furnished by the provisions of the Federal Constitution in relation to human slavery and the fugitive slave act, the Consti-

tution guaranteed to the slave owner the property in his slaves. Nothing could be clearer; yet as the Civil War came on, we all known that the most moral, upright, and righteous men and women in the northern and western portions of our common country ceased to entertain any respect whatsoever for the Constitution or the acts of Congress so far as they related to slavery.

The PRESIDENT pro tempore. The Chair desires to make an observation at this point. We are in the last stages of the present session. There is a rule of the Senate which forbids a Senator speaking twice upon the same subject upon the same day; and it has been uniformly held that when a Senator yields to a brother Senator for a discussion of a subject, when he resumes he then begins his second speech. The Chair hopes the Senators will observe that rule during the remainder of the session.

Mr. BRUCE. Then, Mr. President, I shall be compelled to refuse to yield. The Senator from Arizona can imagine how loath I am not to be courteous enough to yield, but in view of what the Chair has stated I can not do so.

Mr. ASHURST. I think the Chair is correct, and I thank the Senator from Maryland for offering to yield.

Mr. BRUCE. Mr. President, I am very glad that the Senator from Arkansas [Mr. CARAWAY] asked me some of the questions which he did because it gave me the opportunity to say some things that I might otherwise have failed to say.

Before referring to just one or two comments of the Senator, I should like to add that the Senator from Missouri [Mr. REED] has just called my attention to a table of statistics which shows that between 1910 and 1923 arrests for drunkenness in the United States increased 121 per cent. The Senator from Arkansas suggests the idea that perhaps it is only the so-called higher social classes that violate the Volstead Act; that they are setting a bad example; and that if they had set a better example others would have followed in their footsteps.

Mr. CARAWAY. Oh, no; I did not quite say that.

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Arkansas?

Mr. BRUCE. I yield for a question, Mr. President; but for nothing more than a question.

Mr. CARAWAY. That is all right.

The PRESIDENT pro tempore. The Senator from Maryland yields for a question only.

Mr. BRUCE. I should be glad to yield to the Senator, but he sees how I am tied up.

It is not the people who belong to the wealthier classes who figure so much in the police statistics of prohibition. They are able to buy and to have delivered under their own roofs the best spirits and the best wines, or even to have what they drink made to the best advantage in their own homes; and it is only fair to them to say that the overwhelming majority of them, as is true of all men, are free from excess; but these figures that I have cited showing such a marked increase in arrests for drunkenness and in deaths from alcoholism are drawn mainly from different social sources from those that the Senator from Arkansas seems to have in mind.

I am happy to say that I see evidences that the general reign of demoralization and deep-seated disrespect for law of which I have been speaking may come to an end. I was intensely gratified the other day to notice that the senate of the State of Nevada had adopted a resolution calling for a repeal or modification of the Volstead Act. So far as I recall, that is the first time that any legislative body in the Union has adopted such a resolution. I trust that it may be but the beginning of the end.

Mr. DIAL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from South Carolina?

Mr. BRUCE. I yield merely for a question.

Mr. DIAL. I want to ask the Senator a question. What would be his remedy; what solution would he suggest of the liquor problem?

Mr. BRUCE. My remedy is this: Until this artificial stimulus was given to drunkenness by prohibition, men in the United States were from year to year becoming more and more temperate. Advancing civilization is simply another term for increasing self-restraint; that is all. Men in the United States were becoming more and more self-restrained, more and more temperate in the matter of drink.

Mr. CARAWAY. Mr. President, may I ask the Senator from Maryland one question?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Arkansas?

Mr. BRUCE. I yield for a question.

Mr. CARAWAY. Then why not just repeal all laws and reach complete civilization by that one leap and bound?

Mr. BRUCE. Not at all. Law should be adjusted, of course, to actual social and economic conditions, just as a glove is adjusted to the fingers of the hand.

Mr. CARAWAY. Who is going to be the judge of the matter? If one man, like the Senator, may say, "I will not respect this law, because it does not appeal to me," and another man may say, "I will reject that law," then where is the process to end, and when does it not become the mark of the good citizen to respect the law?

Mr. BRUCE. No law is worth talking about that has not the moral sanction behind it; unless it is in harmony with the convictions and the sentiments of the people for whom it is intended.

Mr. CARAWAY. Does the Senator have any doubt that prohibition is in harmony with the sentiment of the majority of the American people?

Mr. BRUCE. It is impossible to answer that question. In some communities in the United States the majority of the voters are unquestionably in favor of prohibition, I should say. In other communities in the United States they are overwhelmingly against it. Take the last gubernatorial election in the State of Maryland. Our Democratic candidate for governor did not carry the 23 counties of the State; the Republicans secured a majority of the votes in those counties; but in the city of Baltimore, where there is a powerful sentiment against the Volstead Act, the present Governor of Maryland, who is a pronounced enemy of prohibition, received a majority of not less than 40,000 votes, the largest majority, if I am not mistaken, that anyone has ever received in the history of the city for many years. However, the point I am making is that law is always for all practical purposes ineffective unless it is sustained by the convictions of the people.

Mr. DIAL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from South Carolina?

Mr. BRUCE. I yield merely for a question.

Mr. DIAL. Is it not true that the great preponderance of the sentiment of the people in the rural sections of the country favors prohibition?

Mr. BRUCE. One reason for that is that the farmer under existing conditions is getting all that he wants; he is the only man in the United States who is. He never did drink much of anything in my time except cider and home brew, and he is drinking those things to-day, and if I were to allow myself to fall into a slang expression I would say that he is doing it "to beat the band," or, as a Senator near by suggests to me, "to beat the law."

I hear the statement often made, "Well, prohibition is working all right in my State." It reminds me of the statement that I used to hear very often as a boy in Virginia, "Oh, there is no malaria on my place; it is only on the next plantation," but there was malaria on the speaker's plantation all the same.

I happen to be familiar with a typical southern community in southern Virginia; I know what conditions prevail there; and I call the attention of the Senator to the fact that one of the recent reports of the Prohibition Unit shows that in 12 Southern States there were more illicit stills destroyed last year by the Prohibition Unit than in 32 of the other States of the Union. And did not the Senator from North Carolina say only a few days ago that the need for an additional judge in his State was due to violations of the Volstead Act? The only or principal reason for the request that we have been making at this session of Congress for an additional judge for the State of Maryland is the immense number of violations of the act. So I must say when the statistics are brought to my attention it is hard for me to believe that there is any community—

Mr. DIAL. Mr. President, possibly in the other States those engaged in the practice could hide their stills better than they could in the South.

Mr. BRUCE. From what I have seen here I believe that there is not a shrewder people in any part of the United States than in the southern section of the country.

Take the State of the Senator from Utah. Unquestionably, notwithstanding all the irrigation that has been carried on there, it is one of the most arid communities in the United States, so far as drink is concerned. Yet what are the latest facts. Harvey H. Cluff, the attorney general of that State, who I am assured by the Senator from Utah [Mr. SMOOT] is a man of the highest standing, has recently made the following statement:

MADE FLASK POPULAR

It [prohibition] has made popular the hip-pocket flask it has caused the bootlegger to flourish and the illicit still to spring up in all sections. And while I believe Utah is freer from these things than most

any other State in the Union, because of the diligent efforts of the officers and because of the training of our people, yet I am frank to confess that prohibition in Utah is a farce, and is developing a citizenry of sneaks and lawbreakers.

The same story comes to us from every part of the country. I do not imagine, for instance, that the Senate of the State of Nevada would be calling for a repeal or modification of the Volstead Act if that body had not become deeply impressed with the evils and abuses of the present system. Certainly all those stills would not have been broken up in 12 of the Southern States unless illicit liquor was being manufactured there on a very great scale.

Mr. REED of Missouri. Mr. President—

Mr. BRUCE. I yield for a question.

Mr. REED of Missouri. Mr. President, I think the position taken by the Senator is well illustrated by the two Irish ladies who had been cleaning out their houses. One of them, who had a very much larger pile of dirt than the other in front of her broom, insisted that her house was cleaner than the house of the other because she had gotten more dirt out of it, but the other one very naturally replied that the fact that she had swept so much dirt out of her house was not pretty good evidence of the kind of a housekeeper she was.

Mr. HEFLIN. Mr. President, regular order!

Mr. BRUCE. I thank the Senator from Missouri for his apt illustration.

And there is the State of Michigan. I have no doubt that it is in a general sense just as moral and reputable a State as there is in the Union; but I saw a few days ago in a newspaper the allegation that there are not less than 15,000 "blind pigs" and bootlegging joints in the city of Detroit. A short time ago 3,000 stills were confiscated by Federal agents on a single day in Chicago.

I recollect that at the last session of Congress when there was some talk about having a demonstration against prohibition in Congress, a certain Member of Congress—I will not say in which body—from California was approached; for it was well known that he was a strong opponent of prohibition, but what was his reply? It was, "I do not know about that; we are making far more from our grapes as material for drink now than we ever made before."

I am going to conclude. Nor had I any idea that I might be drawn into such a lengthy speech as I have been. I shall vote for this bill in its present shape notwithstanding the misgivings of which I speak. I shall take my chances on prohibition agents, after they have come in under the civil-service system being corrupted by prohibition. All I hope is that every one of them when he gets up in the morning to engage in his public duties will say the Lord's prayer with far more fervor than he ever said it before he became a Federal agent, and particularly that part of it which says "Lead us not into temptation." I can only trust that the blighting, demoralizing effects of prohibition on the character of these agents, when selected under the merit system of appointment, will not be such as to bring discredit on the whole civil-service system.

Just one word more. As I said, not only do I see evidence in the action of the State of Nevada, to say nothing of other evidences of the same sort, of the fact that the people of the United States are gradually awakening to the true results of prohibition, but I see in the defeat of this very measure, the Cramton bill, another illustration of the same thing.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. BRUCE. Yes.

Mr. CARAWAY. Does the Senator believe that a majority of the Senators are in favor of defeating the Cramton bill?

Mr. BRUCE. I do not know whether they are or not.

Mr. CARAWAY. If the Senator does, if he will just get them to withdraw their filibuster we will disclose the fact that they do not exceed a tenth of this body, or at least not more than 17 per cent of it.

Mr. BRUCE. That may be. I do not know. Of course, one of the sad things about the workings of prohibition is that it makes hypocrites of so many men who are not naturally hypocrites. How many men have I seen in public life who get up on the floors of legislative bodies and prate about the virtues of prohibition and then wander off a few minutes afterwards to take a drink? Often the very breath with which they insist upon the merits of prohibition is tainted with what prohibition was intended to destroy.

Mr. CARAWAY. I am perfectly willing for the Senator to take the witness stand and name them.

Mr. BRUCE. Oh, no; oh, no!

Mr. CARAWAY. I am, indeed.

Mr. BRUCE. It is not necessary. The Senator knows many of them himself.

Mr. CARAWAY. No; I disclaim that, and I want to say that this way of standing up and trying to indict the courts as a lot of drunkards who send people to jail—

Mr. BRUCE. Oh, no; I have not done that.

Mr. CARAWAY (continuing). And then get drunk themselves, and then standing here and saying that men in this body vote for prohibition and then get drunk, is not fair. Just let the Senator name the people he has in mind.

Mr. BRUCE. Of course, the Senator knows, and I know, and every one of us know, members of legislative bodies who speak for prohibition and vote for prohibition and drink until they are drunk.

Mr. CARAWAY. I wish the Senator would name them. I would not make a blanket charge against men and then say I would not tell whom I was talking about.

Mr. BRUCE. Again, as Edmund Burke said, I am not going to bring an indictment against a whole people.

Mr. CARAWAY. The Senator did not hesitate to indict everybody in Baltimore, and then he will not give the names.

Mr. BRUCE. Everybody knows that the sort of hypocrisy of which I have been speaking is one of the most odious, squalid, and sordid manifestations of prohibition.

The PRESIDENT pro tempore. The Chair has asked the Senator from Maryland a question. Does he yield to the Senator from Michigan?

Mr. BRUCE. I crave the pardon of the Chair. I did not hear the question. I yield to the Senator.

Mr. FERRIS. I wish to ask the Senator if he believes that the industrial world, the business world, would like to have a return to the so-called old-time American saloon prior to the enactment of the Volstead law?

Mr. BRUCE. I do not know. I have never seen the evidence on that subject presented in such a way as to enable me to form an opinion. I do not know. I take it for granted that a workingman, of course, experiences much more difficulty in getting something to drink than a man of wealth, a man of means, who is differently situated in many respects; and for that reason, if for no other, perhaps, the laboring man of the country is not drinking so much; but the fact remains that the American Federation of Labor, which is certainly better authorized to speak for labor in the United States than any other association of men known to me, is bitterly hostile to prohibition.

That is my answer.

Mr. NEELY. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from West Virginia?

Mr. BRUCE. Yes; I yield.

Mr. NEELY. As the Senator declines to express an opinion as to what business desires about a return—

Mr. BRUCE. I will lose the floor, under the ruling of the Chair, if I submit to that.

The PRESIDENT pro tempore. The Senator will lose the floor.

Mr. BRUCE. I will say to the Senator from West Virginia that I am very sorry—

Mr. NEELY. I was simply going to ask the Senator if he would not express his own preference.

Mr. BRUCE. How can I believe but one thing, when, as I tell the Senator, I see the steady increase in the number of arrests for drunkenness that is going on from year to year? I know that the people arrested are not the people who drink merely at their own tables, in the quietude of their own homes. I know that. I know that among them there must be at least a vast number of laboring men.

Mr. NEELY. Mr. President, is the Senator personally in favor of reestablishing the saloon?

Mr. BRUCE. Indeed, I am not! The very suggestion of it suggests to my mind the idea of a dog returning to his vomit. No; I am not. The saloon is gone, and gone forever; but I am in favor of some enlightened system, such as prevails in the Canadian provinces, in Belgium, and in some other civilized parts of the world, under which a man can have, under proper regulation by the State, his wine or his beer, and can have even ardent spirits in small quantities, provided it is taken away from the Government store and drunk in his own home.

Mr. MCKINLEY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Illinois?

Mr. BRUCE. I can not be continually yielding, I am sorry to say. In other words, I do not believe in any legislation—

Mr. WARREN. Mr. President, will the Senator allow me to present a report? Will he yield for the consideration of a conference report?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Wyoming?

Mr. BRUCE. Provided I am not displaced. I am not quite ready to be displaced. I thought I was, but I am not. I can not allow any risk of that. Otherwise, I should gladly yield.

Mr. WARREN. I do not wish to interfere with the Senator, but of course—

The PRESIDENT pro tempore. It depends upon what the Senator from Wyoming wants to ask the Senator. If the Senator from Wyoming wants to make a conference report, the Senator from Maryland will not lose the floor.

Mr. BRUCE. Then I do so, gladly.

Mr. ROBINSON. I understand that the Senator from Wyoming desires to have the conference report considered.

Mr. BRUCE. Oh, well, I can not do that. I shall be through in a few minutes.

Mr. WARREN. There are only two items in disagreement. Do I understand the Senator to decline to yield?

Mr. REED of Missouri. I ask unanimous consent that if the Senator shall yield for that purpose he shall not lose the floor.

The PRESIDENT pro tempore. The Senator has a right to yield for the presentation of a conference report without losing the floor.

Mr. ROBINSON. Mr. President, the Senator from Wyoming asks for the present consideration of the conference report; and it ought to be considered as soon as practicable, because it is one of the important general appropriation bills. The Senator from Maryland had stated that he had about concluded his remarks; and I was just about to ask him, in view of that fact, if he did not feel willing to yield the floor at this time in order that the conference report might be taken up.

Mr. WARREN. If it will accommodate the Senator better, I will wait.

Mr. BRUCE. Never mind. I have been a little long in saying what I have said, and I suspect that I have said about all that I should say. My old friend, Mr. Wallis, of Baltimore, used to say that a man very often runs on because he does not know that he has run out, and perhaps I am doing that.

I said that I am not in favor of returning to the saloon, nor am I. I could not possibly have expressed myself in stronger language, for I expressed myself by using one of the most vigorous and trenchant expressions that is to be found anywhere between the four corners of the Scriptures. What I am in favor of, first of all, is the repeal or modification of the Volstead Act so that each State in the Union may for itself, within the limitations of the eighteenth amendment to the Constitution, determine whether it will or will not allow to its people the use, so far as it can be lawfully done, of wine and beer. I will not stop to say whether I think that it would be a good thing to repeal the eighteenth amendment to the Federal Constitution. At the present time that is beyond the pale of practical politics; but I do think that if the Volstead Act were repealed or modified, and the question as to whether the use of wine and beer, so far as it is possible to permit their use within the limitations of the eighteenth amendment, were left to the different States of the Union to determine for themselves, that would be the wisest and best solution that could be made of the matter.

I understand—my friend the Senator from Texas [Mr. SHEPPARD] can correct me if I am in error—that at the present time there are some thirty-odd States that have prohibitive provisions in their constitutions.

If they want to continue those, even if the eighteenth amendment were repealed, I should be entirely in favor of their doing so. I believe that every community in the United States should be allowed to decide for itself what its attitude toward drink should be; and, as I look at it, there could be no better illustration possible of the hopeless, ruinous impolicy of transferring to the Federal Government the functions that really belong to the States than is to be found in the practical results of prohibition throughout this country. Some communities it may suit very well. I am willing to admit that; though I do not actually know whether it would suit any, because my personal knowledge on the subject is pretty limited; but there are other communities that it does not suit at all, and where instead of doing good it does nothing but infinite mischief and harm to human character and human morals.

The community in which I live is one of those communities. New York is another, Philadelphia is another, and Chicago is another. The matter should never have been taken out of the hands of the States. Everywhere the people of the States were

becoming more and more temperate and more and more self-restraining, and they should have been let alone. If they had been let alone, to-day we would have prohibitory systems in the communities to which it is adapted, and we would have systems of regulation merely in communities to which the prohibitory system is not adapted.

I have expressed my sentiments, perhaps, too amply, but I have expressed none except sincerely and honestly, and I cherish the belief that my views will be more and more generally adopted in the course of the next 5 or 10 years. I may not live to see the policy of prohibition reversed, but that my children will live to see it I entertain no doubt whatsoever.

BATTLE FIELDS OF THE SIEGE OF PETERSBURG, VA. (S. DOC. NO. 228)

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the President of the United States, which the Clerk will read.

The communication was read, as follows:

THE WHITE HOUSE,
Washington, February 28, 1925.

THE PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith for the consideration of Congress a supplemental estimate of appropriation for the fiscal year ending June 30, 1925, to remain available until June 30, 1926, for the War Department, \$3,000.

The details of this estimate, the necessity therefor, and the reason for its submission at this time are set forth in the letter of the Director of the Bureau of the Budget transferred herewith, with whose comments and observations thereon I concur. Respectfully,

CALVIN COOLIDGE.

The PRESIDENT pro tempore. The communication and accompanying papers will be referred to the Committee on Appropriations and printed.

HOUSE BILL REFERRED

The bill (H. R. 11633) to authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 12392) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MADDEN, Mr. ANTHONY, and Mr. BYRNS of Tennessee were appointed managers on the part of the House at the further conference.

The message also announced that the House had passed the joint resolution (S. J. Res. 102) authorizing the Secretary of War to modify certain contracts entered into for the sale of boats, barges, tugs, and other transportation facilities intended for operation upon the New York State Barge Canal, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the President pro tempore:

S. 1707. An act appropriating money for the relief of the Clallam Tribe of Indians in the State of Washington, and for other purposes;

S. 1934. An act to amend, revise, and reenact section 549 of subchapter 4 of the Code of the District of Columbia relating to the appointment of deputy recorder of deeds, and fixing the compensation therefor;

S. 1935. An act to amend, revise, and reenact subchapter 3, sections 546 and 547, of the Code of Law of the District of Columbia, relating to the recording of deeds of chattels;

S. 2719. An act to authorize the payment of an indemnity to the British Government on account of losses sustained by the owners of the British steamship *Baron Berwick* as the result of a collision between that vessel and the U. S. S. *Iroquois* (now *Fredom*) and a further collision with the U. S. destroyer *Truxtun*;

S. 2935. An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives;

S. 3162. An act authorizing the Postmaster General to make monthly payment of rental for post-office premises under lease;
 S. 3633. An act to amend the printing act approved January 12, 1895, by discontinuing the printing of certain Government publications, and for other purposes;

S. 3641. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Vantage Ferry, Wash.;

S. 3721. An act authorizing the Secretary of the Treasury to exchange the present customhouse building and site located in Denver, Colo.;

S. 4032. An act authorizing the Department of State to deliver to the Hon. Henry D. Clayton, district judge of the United States for the middle and northern districts of Alabama, and permitting him to accept the decoration and diploma presented by the Government of France;

S. 4156. An act to authorize the establishment and maintenance of a forest experiment station in California and the surrounding States;

S. 4207. An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes;

S. 4224. An act to amend section 2 of the act of June 7, 1924 (Public, 270), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes," in order to promote the continuous production of timber on lands chiefly suitable therefor;

S. 4225. An act to extend the times for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;

S. 4229. An act granting the consent of Congress to the State Highway Commission of North Carolina to construct a bridge across the Chowan River at or near the city of Edenton, N. C.;

S. 4264. An act authorizing the Secretary of War to convey certain portions of the military reservation of the Presidio of San Francisco to the city and county of San Francisco for educational, art, exposition, and park purposes;

S. 4284. An act granting the consent of Congress to the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River, at or near the city of Dardanelle, Yell County, Ark.;

S. 4289. An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.;

S. 4301. An act authorizing any tribe or band of Indians of California to submit claims to the Court of Claims;

S. 4306. An act granting the consent of Congress to R. I. Gaster, his successors and assigns, to construct a bridge across the White River;

S. 4307. An act to authorize the States of Indiana and Illinois, in the States of Indiana and Illinois, to construct a bridge across the Wabash River at the city of Mount Carmel, Wabash County, Ill., and connecting Gibson County, Ind.;

S. 4317. An act granting the consent of Congress to the County of Jackson, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of Newport in the county of Jackson, in the State of Arkansas;

S. 4320. An act to extend the time for constructing a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.;

S. 4352. An act to create an additional judge in the district of Minnesota;

S. J. Res. 28. Joint resolution authorizing the Joint Committee on the Library to provide for the restoration and completion of the historical frieze in the rotunda of the Capitol;

S. J. Res. 124. Joint resolution to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers;

S. J. Res. 178. Joint resolution to provide for the loaning to the Pennsylvania Academy of the Fine Arts of the portraits of Daniel Webster and Henry Clay;

S. J. Res. 184. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in a permanent international trade exposition at New Orleans, La., to begin September 15, 1925;

S. J. Res. 186. Joint resolution authorizing the sale of the old Federal building at Toledo, Ohio; and

S. J. Res. 187. Joint resolution providing for the cooperation of the United States in the sesquicentennial exhibition commemorating the signing of the Declaration of Independence, and for other purposes.

PERSONAL EXPLANATION—COTTON CONTRACTS

MR. SMITH. Mr. President, I rise to a question of personal privilege. I want to take this occasion, while the matter is right before me, to make a statement. It will not take very long. This is the first time in my experience as a Member of the Senate, for 16 years, that I have risen to a question of personal privilege.

A paper published in New York, known as the Journal of Commerce, has taken occasion in an editorial, with the facts before it, to entirely distort what I said on this floor, and what I attempted to say for what is perhaps the greatest single industry in this country. I am going to read the editorial and then read what I said, as both the statements are very short, and then I shall make a statement, and I believe every man in the Senate will agree with the position I take, that our servants in the Agricultural Department are duty bound now to see that this matter is sifted to the bottom.

I want to read the editorial. It is not only a misstatement of the situation, but it is an attack on me that is not warranted. It is as follows:

Unless Senator SMITH can now give chapter and verse to sustain the charges he has recently made concerning the official classification of certain cotton now held at New York he has been placed in a very embarrassing position by the Department of Agriculture. This latter Government office has called for facts to substantiate the Senator's recent statements from the floor and further has offered to exhibit the samples of any supposedly off-grade cotton that Senator SMITH or anyone else has reason to believe exists in New York. To put the situation in the vernacular of the street, it now appears that Senator SMITH must either "put up" or "shut up."

Notice the peculiar phraseology:

Meantime the Department of Agriculture expresses strong belief that its inspection service is adequate and that no such condition as that alleged by Senator SMITH is easily possible. If this proves to be the case, the complaining Member of the upper House will be revealed as simply one of those irresponsible trouble makers and vote seekers who are constantly making a nuisance of themselves at Washington. Is it possible that such tactics endear them to the people "back home"? It is hard to believe that they do.

In other words, that editorial attempts to make it appear that I made the charges and that I was called upon to substantiate them. Before I comment on that, let me read what I did say and why I demanded then, and demand now—and I believe that I have the support of every man on this floor—that the Agricultural Department, charged with seeing that the proper kind of cotton is put in the warehouses in New York under the law to tender on contracts, should perform its duty; that if any reputable citizen, or a number of them, believe that they have not done their duty, or have made an honest mistake, and it is alleged that the cotton is not up to standard, they are in duty bound to themselves and to us to see that the law is complied with. I will read now what I said and state why I said it, and this is all there is to it.

On Wednesday, February 25, I took the floor and made a statement; I ask Senators to mark this language:

Mr. President, I have here several communications practically in the form of petitions. It is sufficient for me to call attention to the character of them. It is alleged that the New York Cotton Exchange is holding cotton stocks which cotton does not come up to the standard required by the cotton futures act.

It will be noted I said "It is alleged." I read further:

I have, among others, a letter from a party in New Orleans. This correspondent of mine in New Orleans says that "although the New Orleans contract market is actually higher in New York there are thousands of bales of cotton being shipped from here every week to New York to depress the contract market." He claims that the staple of this cotton is not as long as that required under the cotton futures act, that it is shy of the necessary length, and that other qualities make it nontenderable. I have also a letter from the president of the American Cotton Association alleging that there are perhaps 150,000 bales of speciated cotton in the warehouses to be tendered on, perhaps, March contracts which are of such character that the mills and the purchasing public do not care to stop the contracts and take up the cotton.

Under the law the Agricultural Department is charged with examining this cotton, sampling and stabilizing it, and thereby protecting the purchaser of contracts from the delivery of such cotton as does not come under the regulations of the law.

I have asked the Agricultural Department about this stock of cotton, which is alleged from three very reputable sources to be not

such cotton as the law contemplated should be delivered. I want to take this occasion to call the attention of the holders of March contracts to the facts stated, to ask them to take up the cotton, and after taking it up notify me or the Agricultural Department and have them then grade and sample cotton so as to prove whether or not these allegations are true.

The cotton futures act was passed because it was shown by Mr. Herbert Knox Smith, the agent of the department, that there was a practice of taking undesirable cotton and putting it into warehouses and tendering it on contracts. We have amended that law so as to provide that only certain grades may be tendered, all of which can be spun readily by the mills of the country, and if there be any infraction of that law it will necessarily bring about the very condition to prevent which the cotton futures act was passed.

Mr. President, I am going to ask the privilege of having certain letters which I hold in my hand, or a part of them, which I shall indicate, printed in the Record, so that the public may be notified that these March contracts which they have taken up will be sampled by the Agricultural Department in order to ascertain the truth.

Then I had the letters printed in which it was specifically charged that this condition existed, affecting perhaps hundreds of millions of dollars' worth of property, reaching perhaps to a billion dollars' worth of property, a matter of the greatest concern to our domestic as well as to our foreign trade.

What I stated was that these allegations were made, that the Department of Agriculture, which is charged with the enforcement of the law, should not allow any suspicion to exist. They have the machinery; they can go to New York and examine that cotton, classify it, and set all these rumors at rest.

Subsequent to my putting this in the Record, officials of the department met me here, and we were of opinion that the best thing to do was to reclassify that cotton, and now, since this scurrilous attack has come out, I am going to ask the Senate to back me up, if it is necessary—though I do not believe it will be necessary—in demanding of the Department of Agriculture that the complaints of reputable citizens as to the character of cotton in New York shall be set at rest once and for all by our servants in the Department of Agriculture going and classifying that cotton, and seeing whether, according to length of staple and grade, it is what the law contemplates.

I have made no allegations; I was not in a position to make any, but I am in a position to represent the mills, the producers, and the honest traders of cotton, and they have a right to demand that when these allegations come from reputable citizens, the officials of the department shall investigate and give the public the facts, and I shall not be deterred from my duty by any such unworthy attack from a paper that calls itself decent.

Mr. SIMMONS. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. SIMMONS. I suggest to the Senator that the importance of the matter which he has brought to the attention of the Senate is such that he should introduce a resolution requiring the Department of Agriculture to make this investigation and report the results.

Mr. SMITH. Mr. President, I want to state now that when I asked the Department of Agriculture, they said that they believed the cotton was up to standard, both as to grade and staple, but when there is doubt from those who are vitally and financially interested, there should be more than a belief; there should be a certainty. I did not charge them with a dereliction of duty. I simply said a mistake might have been made, affecting, as it does, the whole cotton industry, and that it was a simple matter for them, our servants, to go to New York and classify the cotton.

Now that I am put in the attitude of making charges which I can not substantiate, and when it is suggested that perhaps I had better "put up" or "shut up," I propose to ask the officials if they intend to reclassify the whole certificated stock in New York, and if not, I will ask my colleagues on this floor to-morrow to back me up in a Senate resolution demanding that they go to New York and reclassify that cotton and set these matters at rest.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House on the amendments of the Senate to the independent offices appropriation bill.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1925.

Resolved, That the House recedes from its disagreement to the amendment of the Senate numbered 2 to the said bill (H. R. 11505) entitled

"An act making appropriations for the Executive Office and sundry independent Executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes," and concurs therein.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "Provided, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative."

That the House insists on its disagreement to the amendment of the Senate numbered 5.

Mr. WARREN. There are two matters between the House and the Senate to be settled. As to amendment numbered 11, the Senate conferees recede. That involves a change of only two or three words, and in no way affects the subject matter.

Mr. GLASS. To what does the amendment relate?

Mr. WARREN. It is in relation to changing two or three words in the matter of the Tariff Commission. In other words, we take in place of ours what the House undertook to put in and forgot to put in. There are only two or three words added.

Let the clerk read the proviso as it was agreed to by the Senate, and as it will read if we recede as I have proposed.

The PRESIDENT pro tempore. The clerk will read as requested.

The Chief Clerk read as follows:

Senate amendment No. 11, page 25, line 11, after "Columbia" insert: " : Provided, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall participate in any proceedings under said sections 315, 316, 317, and 318 of said act approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in respect to the subject matter of which he has acted as attorney, legislative agent, or special representative."

The House recedes from its disagreement to the amendment of the Senate No. 11 and concurs therein with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: " : Provided, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative."

Mr. ROBINSON. What is the distinction between the two provisions?

Mr. WARREN. The word "hereafter" is put in between "shall" and "participate," so as to read "shall hereafter participate," that having reference to taking part in any subject in which a member of the commission may hereafter be interested. Further down where we provided "or in respect to the subject matter of which he has acted as attorney, legislative agent, or special representative," the language reads:

Wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

Mr. ROBINSON. Is the agreement unanimous?

Mr. WARREN. It is on that point.

Mr. ROBINSON. I have no objection to the Senator's motion.

The PRESIDENT pro tempore. The Senator from Wyoming, as the Chair understands it, moves that the Senate concur in the House amendment to the Senate amendment. The question is on that motion.

Mr. SIMMONS. I understand the House amendment to refer to the provision with regard to the Tariff Commission?

Mr. WARREN. Yes. I read it a short time ago.

Mr. SIMMONS. Mr. President, I desire to say briefly that I think the change proposed by the House amendment is a very substantial one and one that ought not to have been made. As I understand, the change consists in the elimination of certain words in the present law which were embraced in the bill as it passed the Senate.

Mr. WARREN. The Senator, I think, is mistaken in that. We found that we had inserted matter which was not contained in the law.

Mr. SIMMONS. The provision as it passed the Senate, as I understand, was identical with the present law.

Mr. WARREN. The Senator thought that, and so did I, but when we investigated we did not find it in the law.

Mr. SIMMONS. As I understand, the only change made is to strike out certain words.

Mr. WARREN. It is a change of language which, in my humble judgment, does not affect injuriously it one iota. That is my opinion about it. I appreciate what is sought to be accomplished by the provision; I am in sympathy with the idea; and it has been guarded as closely as I felt it was necessary to be guarded.

Mr. SIMMONS. I understood—and the Senator from Utah confirms me in my opinion—that the conference committee adopted word for word the House provision.

Mr. WARREN. Yes.

Mr. SIMMONS. I understand the conferees have proposed a change in the present law. The present law reads:

Provided, That no part of this appropriation shall be to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in respect to the subject matter of which he has acted as attorney, legislative agent, or special representative.

The conference report strikes out, after the word "or," the words "in respect to the subject matter of," and also strikes out the words "legislative agent."

Mr. WARREN. Let me ask the Senator if he desires to have the provision in such form that no member of the legal fraternity, no lawyer, who years ago may have participated in some suit, shall be precluded from being in a position where he may have an opportunity to do his duty as a member of the commission?

Mr. SIMMONS. No; but the present law provides that no person shall hereafter participate in any of these proceedings if he was a legislative agent, if he represented any interest as a legislative agent.

Mr. WARREN. What does the Senator mean by that? Suppose he represented some interest 20 years ago, should he be excluded?

Mr. SIMMONS. No; I do not mean that.

Mr. WARREN. That is exactly what the effect would be under the original wording.

Mr. SIMMONS. The present law incorporates the word "hereafter."

Mr. WARREN. I understand it does.

Mr. SIMMONS. That does not apply to the past, but refers to any person who hereafter shall act as a legislative agent.

Mr. WARREN. The word "hereafter" comes in before the words "participate in any proceedings under said sections," and so forth.

Mr. SIMMONS. The present law reads:

*who shall hereafter participate in any proceedings under said sections * * * wherein he or any member of his family has any special, direct, and pecuniary interest, or in respect to the subject matter of which he has acted as attorney, legislative agent, or special representative.*

Mr. WARREN. The word "hereafter" is so far away from the words which prescribe the disqualification that it does not apply to them, in my opinion.

Mr. SIMMONS. I do not see why the conferees struck out the words "legislative agent."

Mr. GLASS. The words "legislative agent" are not stricken out.

Mr. SIMMONS. They are stricken out.

Mr. GLASS. The amendment is broad enough to cover them, as the Senator can see for himself.

Mr. ROBINSON. Mr. President, if the Senator will yield to me, the language of the provision is:

That no part of this appropriation shall be used to pay the salary of any member who shall hereafter participate in any proceeding under said sections—

Specifying the sections—

wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

Mr. SIMMONS. The words "or legislative agent" have been eliminated.

Mr. ROBINSON. The words "legislative agent" have been stricken out and the words "in respect to the subject matter" have been stricken out, but the amendment would prevent any member of the Tariff Commission sitting in either one of two

classes of cases: First, where he or any member of his family has a special, direct, and pecuniary interest in the question to be determined or in the subject matter of the inquiry; and, second, where the issue involved is one concerning which he has acted as attorney or special representative. Whatever the words "special representative" may mean, they probably include "legislative agent."

Mr. WARREN. They certainly cover that.

Mr. ROBINSON. Or an agent of any other character; and the words "special representative" are probably broader than the words "legislative agent."

Mr. SMOOT. That is the position which the House took.

Mr. SIMMONS. That is the position which the House took, but it is a position in which I do not concur, Mr. President.

Mr. WARREN. Let me say to the Senator from Arkansas [Mr. ROBINSON], who, I understand, has the floor, and who originated the law on the subject with which we are now dealing, that it is endeavored by the amendment to give full effect to the existing law. Still I believe that the House amendment gives the statute full effect, and I am sorry that the Senator from North Carolina, or any Senator, takes a contrary view. I think it completely accomplishes the object sought to be accomplished.

Mr. ROBINSON. The provision, in so far as it substitutes the words "special representative" for "legislative agent," and so forth, in my judgment, broadens and improves it.

Mr. SMOOT. Absolutely.

Mr. ROBINSON. It is narrowed in another respect, however, for under the existing law—

Mr. WARREN. The provision contains fewer words but will have a better effect.

Mr. ROBINSON. The House amendment narrows the effect of the provision to this extent, that under the existing law if a member of the commission had appeared in any case in which was involved the subject matter of a particular inquiry before the commission he could not sit on that inquiry as a member of the Tariff Commission. The effect of this provision, however, is analogous to the rule that applies in cases of judges or jurors; so that a member of the Tariff Commission will not be permitted to sit, in any event, if he has acted as attorney or special representative in connection with the question which the commission is hearing.

Mr. SIMMONS. Mr. President, the Senator from Arkansas is the author of the original proviso, and, of course, ordinarily I would defer to his judgment with respect to the meaning of the language employed by him in the original provision as compared with the language used in the House amendment; but the language in the present law, to my mind, is very much broader than that in the House amendment and very much more inclusive. The amendment strikes out the words "in respect to the subject matter," that is, the subject matter which the Tariff Commission is investigating. With those words in, the prohibited person must not have had any connection, by way of interest, with the subject matter that is under investigation, either as attorney or as legislative agent or as special representative.

I do not know whether the words "special representative" would include service in connection with lobbying at the Capitol. I know that the words "legislative agent" were intended to reach the case of a professional lobbyist with respect to a particular subject; and it was the purpose, as I have always understood, of the original amendment to exclude any member of the Tariff Commission who had been a lobbyist before either House of Congress with respect to a subject matter being considered by the commission.

Mr. ROBINSON. The Senator is correct about that; and if the words "special representative" do not include "legislative agent" then his criticism of the amendment in that particular is meritorious. My impression is that the words "special representative" would include a "legislative agent" or any other kind of agent.

Mr. SIMMONS. But the Senator from Arkansas, when he originally drafted the provision, took the precaution to say "as attorney, legislative agent, or special representative." He used the words "special representative" in the original provision and he added to them the words "legislative agent."

Mr. President, I am very much afraid that this will not embrace the case of a lobbyist, and I know that this amendment was aimed at lobbyists. I know that certain gentlemen who have been for years lobbyists of special interests, affected by tariff investigations have found their way upon the commission, and I had hoped that the law might be made so stringent that hereafter those gentlemen who infest these corridors and lobbies when tariff bills are under consideration will not as soon as such tariff bills have been passed secure positions

upon the Tariff Commission. I am afraid if this language is left out that the door will be wide open as to them.

I recognize that the conferees have done what they could to retain the language of the bill as it passed the Senate. My colleague [Mr. OVERMAN], who is a member of the committee, advises me that he has done what he could and that, in his opinion, the other conferees on the part of the Senate have done what they could to retain the language as it passed the Senate, but that the House was unyielding and they had been forced to agree to this change in the bill as it passed the Senate. I am not going to make any further contention about it. I am not going to attempt to obstruct or delay concurrence in the House amendment; but I wanted to register my protest, and I wanted to say emphatically that I think this section of the bill is very much weakened by the elimination of the words "in respect to the subject matter" and the words "legislative agent."

Mr. ROBINSON. Mr. President, I desire to ask the Senator from Wyoming a question respecting the proceedings in the body at the other end of the Capitol.

I saw in the press a statement that a motion had been made to concur in the Senate amendment, and that upon a record vote in that House concurrence was had.

Mr. WARREN. Mr. President, we made a report on the Senate side as to what we should do first, under the rules, with all of the amendments and reported these disagreements. That liberated the report, and it went to the House, and the House took up the report and agreed upon all the amendments but this particular one, which smacks of legislation, and they sent it back here in that form, and the other one modified, from which I shall move to recede.

Mr. ROBINSON. I do not think the Senator understood my question.

Mr. SIMMONS. Mr. President, I can answer the Senator's question.

Mr. ROBINSON. I will address it, then, to the Senator from North Carolina. My question is, Did not the body at the other end of the Capitol vote to concur in the Senate amendment respecting the salaries of tariff commissioners?

Mr. WARREN. They did.

Mr. ROBINSON. Then, after the House had already concurred in the amendment, how does it happen that the conferees changed it?

Mr. SIMMONS. I think I can explain the matter to the Senator.

Mr. ROBINSON. I shall be glad to have some Senator do it. The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Arkansas yield to the Senator from North Carolina?

Mr. ROBINSON. Certainly; I have asked an explanation.

Mr. SIMMONS. Mr. President, the House committee reported out the bill carrying substantially the provision as it is now embodied in the conference report. Upon the floor of the House that provision was stricken out, and the bill came here with this entire proviso stricken out.

Mr. WARREN. That was before the passage of the bill here.

Mr. SIMMONS. That was before the passage of the bill in the Senate.

Mr. ROBINSON. I understand that.

Mr. SIMMONS. When the Senate took up this matter I requested the Senator from Utah—

Mr. WARREN. One moment, please. It went out entirely over there.

Mr. SIMMONS. It went out entirely; that is what I said, and the bill came here without that proviso in it. When it came over here I requested the Senator from Utah to reinstate that provision, and handed him—

Mr. ROBINSON. If the Senator will pardon me, I understand the matter now. Let me state it, and see if I do understand it.

The provision having gone out in the House, and the Senate having inserted the Senate provision—

Mr. WARREN. As legislation.

Mr. ROBINSON (continuing). An agreement was reached in the conference, and the House concurred in the agreement of the conference respecting the amendment. Is that correct?

Mr. SIMMONS. No. That is correct, and it is not correct.

Mr. WARREN. Let me say to the Senator from Arkansas that he has not served lately, I believe, on one of these conferences—

Mr. ROBINSON. It is not necessary to go into the details of general conferences. I understand perfectly. If the House

of Representatives concurred in the Senate amendment as the Senate wrote it, then it ought not to come back here.

Mr. WARREN. But they did not.

Mr. ROBINSON. That is the question I asked the Senator from Wyoming, and he said it did.

Mr. WARREN. We can say "Yes," or "No," either one; but I did not like to take the time to go into it at length.

Mr. SIMMONS. The answer is both "Yes" and "No."

Mr. WARREN. Somebody has to take the time to explain it, however.

In the first place, this bill came over without any legislation whatever. Under the rule of the House, we find that we have to send a great many things back to the House after we have agreed together, although we do not report. The matter goes back. The fact of this matter being legislation took it back there under any circumstances; but before the House conferees took it there they demanded that we make this agreement which was made in conference. They took it back in that way. Their first disagreement, of course, was that it was legislation, and that is all that came up over there.

Mr. GLASS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Virginia?

Mr. SIMMONS. I was right in the midst of my explanation, and I should like to be allowed to conclude it.

Mr. ROBINSON. I beg the Senator's pardon. I thought I could terminate the matter.

Mr. SIMMONS. No; the Senator did not catch my statement, and therefore did not have my thought at all.

The bill came over here, Mr. President, without that proviso in it. The proviso had been reported to the House by the committee and on the floor of the House it was stricken out; but the proviso that was reported to the House and stricken out in the House was not exactly as it is written in the present law. When it came over here I took the House proceedings and I requested the Senator from Utah to restore what the House had stricken out.

Mr. SMOOT. No; the present law.

Mr. SIMMONS. No; first I handed the Senator the bill showing the House provision and requested him to have that amendment restored. The Senator from Utah did have it restored just as it was reported by the House committee but stricken out in the House. Upon examination of the law I discovered that the provision which had been stricken out in the House, and which the Senator from Utah had put in the bill, was not the exact provision of the law; that it differed from the law just to the same extent that this conference provision differs from the law. I then showed the Senator from Utah the law and asked him if he would not amend the provision so as to include the words in the law which had been stricken out and the words which I have just read and alluded to, and the Senator from Utah said he would do it; and as the bill passed the Senate it was an exact copy of the proviso in the law, but not a copy of the proviso as it was passed by the House.

Mr. ROBINSON. I understood that perfectly from the beginning.

Mr. SIMMONS. Now, the committee brings in the proviso as it was presented to the House by the committee and stricken out.

Mr. ROBINSON. Yes; and the Senator from North Carolina has not yet answered my question. There being no provision in the bill, my question is, Did the House upon motion concur in the Senate amendment?

Mr. GLASS. With an amendment.

Mr. SMOOT. Yes; with an amendment.

Mr. ROBINSON. Very well.

The PRESIDING OFFICER. The question is upon agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

The CHIEF CLERK. The House insists on its disagreement to the amendment of the Senate numbered 5.

Mr. WARREN. I move that the Senate recede from its amendment numbered 5.

The PRESIDING OFFICER. The question is upon agreeing to the motion of the Senator from Wyoming.

Mr. ROBINSON. Mr. President, during the last session of the Congress this body passed unanimously a bill forbidding the collection of the Pullman surcharge by carriers. It went to the House of Representatives. There were introduced in the body at the other end of the Capitol 22 bills, some of them identical in language with the bill which passed the Senate, all of them having for their object the elimination of the Pullman surcharge. No action was taken either upon the House

bills or upon the Senate bill by the House committee having jurisdiction of the measure.

When the independent offices appropriation bill was under consideration in the Senate some days ago we suspended the rules and by a vote of 56 to 8, after some hours' debate, incorporated in the independent offices appropriation bill language identical with that in the Senate bill which had passed during the last session, and identical with some of the House bills which I have already mentioned.

A widespread demand for relief from the Pullman surcharge had manifested itself before the Senate took any action concerning the subject. Representatives from the following States introduced bills: Rhode Island, Tennessee, Texas, Arkansas, California, Florida, Georgia, Illinois, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, and Carolina.

Twenty-two bills in all were presented to the body at the other end of the Capitol; but the Committee on Interstate and Foreign Commerce was so constituted that no action was had until after it became apparent that some extraordinary effort must be made to prevent the enactment of legislation through the amendment to which I have referred, incorporated by the Senate in the independent offices appropriation bill.

In my judgment the amendment has not been defeated on its merits. Its rejection in the other body was accomplished by one of the most powerful lobbies that ever assembled in the city of Washington. Not only were hundreds of special representatives, legislative agents, and railroad attorneys brought here for the purpose of defeating the measure, but powerful influences were employed to induce newspapers and other publicity agencies to publish misleading information and statements concerning the purpose and effect of the amendment which had no foundation in fact and which some of those publishing them must have known were untrue.

No action was taken on the amendment until the lobby had satisfied itself that it was powerful enough to cause the defeat of the amendment, and when that condition arose a vote was taken and the amendment was rejected, as I recall it, by a vote of 123 to 255. The singular and interesting feature of the matter is that many of those who had introduced the identical bill incorporated as an amendment to the independent offices bill voted against it—voted against their own bill.

I have said there were 22 bills introduced by Representatives from 16 States. Ten out of the 22 introducing the bills to which I have referred voted for the amendment. It may be interesting, although perhaps it is not important, to state that of the 10 voting for it, 3 were Republicans and 7 were Democrats. Five of the Representatives who presented the identical provision rejected were absent and one had passed away. Five voted against the repeal of the Pullman surcharge, when in the files of the body in which they sit were bills introduced by themselves identical in language and purpose with the amendment against which they voted.

One Representative on the 21st of April, 1924, made a brilliant speech in support of his bill to repeal the Pullman surcharge, which was a literal copy of my own bill which was agreed to by the Senate as an amendment to the independent offices bill, in which he said, analyzing the arguments that were presented against the measure, that there was neither justification nor excuse, sounding in any interest which he was called to promote, for the retention of the arbitrary, vexatious, and unnecessary charge; but he voted against the bill he introduced.

It was shown, during the debates in the Senate on this amendment, that the surcharge originated in a desire to discourage travel. It was first levied in the form of a tax on persons riding in Pullman cars, the idea being to reduce the number of persons traveling, that the equipment, facilities, and the employees who would otherwise be engaged in Pullman service might be devoted to the supreme necessities of the hour—the rushing of troops to embarkation points in order that we might successfully carry on the war.

In 1920, as a temporary measure, the Pullman surcharge was levied for the purpose of obtaining additional revenues for the railroads, no one anticipating that it was to become a part of the permanent system of the carriers, and everyone realizing then, as the Interstate Commerce Commission in its opinion a few days ago said, that it was an unpopular and a vexatious charge, and that it was founded upon a doubtful premise.

When the commission passed upon the matter, its decision in fact was against the validity of the Pullman surcharge as it is now levied. If the burden of proof had been on the carriers to sustain the charge, as it ought to have been, the result of the commission's opinion would have been to abolish and prevent the collection of the Pullman surcharge.

Mr. SMITH. Mr. President, if the Senator will allow me—

The PRESIDING OFFICER (Mr. Moses in the chair). Does the Senator from Arkansas yield to the Senator from South Carolina?

Mr. ROBINSON. I yield.

Mr. SMITH. The subcommittee that was appointed, who did bring before them representatives of the railroads, reported unanimously in favor of its repeal.

Mr. ROBINSON. Yes; and the Interstate Commerce Commission itself, in passing upon the matter a few days ago, held—4 of them—that the charge is unreasonable in every respect and should not be levied; 2 more expressly held that it is unreasonable to the extent of one-half, which makes 6, and there are only 11 members of the Interstate Commerce Commission. At the time this decision was rendered there were only 10 acting, so that, as a matter of fact, the decision of the commission was—4 against it, 4 for it, and 2 against it to the extent of one-half.

One of the objections to the Pullman surcharge is that it is a charge for which no service is rendered. The only pretense for it is that Pullman cars are heavier than day coaches, and that it costs more to haul Pullman cars than it does to haul day coaches; but the finding of an expert of the commission was that it costs less to haul a passenger in a Pullman car than in a day coach, for the reason that the Pullman haul is about ten times as long, on the average, as the haul in day coaches; and for other reasons which are set forth in the minority opinion of Mr. Commissioner Campbell and those who concurred with him. So that, as a matter of fact, there is not a single logical basis upon which this charge can be rested.

Then it was said, and it was suggested here by some one, that the legislative repeal of the Pullman surcharge would affect detrimentally the revenues of the railroads, and that it would be necessary to make adjustments which would increase the burdens on other classes of traffic if the surcharge were eliminated. The facts are that \$20,000,000 of the \$37,000,000 collected in 1924 goes to railroads that are already earning the standard return, and which therefore do not need the revenues in any sense.

An examination of the facts also shows that under contracts with the Pullman Co., the railways are receiving \$12,000,000 additional from the Pullman charge proper. The Pullman charge is intended to compensate the Pullman Co. for the service it renders the passenger. Yet it is yielding to the railroads \$12,000,000 a year, and the only justification that has been offered for the Pullman surcharge itself is that the railroads perform a service to the passenger riding in the Pullman car that is greater than the service performed to a passenger riding in the day coach.

Mr. President, everyone knows that modern steel coaches, up-to-date railway equipment, are heavier than old wooden cars, but no distinction is made in passenger rates on that account. They make no distinction between the heavy steel coach and the wooden car in passenger fares.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield to my colleague.

Mr. CARAWAY. The Senator made a statement just a few minutes ago that the railroads, or some one for them, contended that they rendered services to a person riding in a Pullman car that were superior to those they rendered to a person riding in a day coach. What service is it the railroads render to the one riding in the Pullman car?

Mr. ROBINSON. They say, principally, that the car, which they do not own and in which they have no capital invested, is heavier than the ordinary day coach, and therefore it is more expensive to them to haul it than it is to haul the day coach.

Mr. CARAWAY. But they have no investment in it.

Mr. ROBINSON. None whatever, as a general rule.

Mr. CARAWAY. And the passenger pays to the Pullman Co. a very handsome sum for whatever extra service he gets.

Mr. ROBINSON. Yes; and, as I have just said, the railroads having contracts with the Pullman Co. are receiving, in the aggregate, \$12,000,000 a year out of the sums that go to the Pullman Co. to pay them for the service they perform for the passengers who ride in Pullman cars.

Mr. GLASS. Mr. President, the weight of the car must be a matter of adjustment between the Pullman Co. and the railroad company when the charge is made for the haulage of the car.

Mr. ROBINSON. Beyond any question.

Mr. GLASS. And it is.

Mr. ROBINSON. It is. The only foundation upon which the validity of this charge has been rested fails utterly. It is a pretense. The next ground of opposition, and the one which, in my opinion, has received most credence, is that the enactment of the amendment forbidding the collection of Pullman surcharge constitutes an unwarrantable interference on the part

of Congress with the rate-making duties of the Interstate Commerce Commission. It is said that the Congress has created the Interstate Commerce Commission and it ought not to have anything whatever to say about the rates which shall be imposed, and yet in the Esch-Cummins Act, which I supported and for which, as many Senators know, I was largely responsible, we told the Interstate Commerce Commission that they must make rates in conformity to certain rules. We said then, "Your rates must be such that when the earnings of the railroads, considered as a whole or in groups, shall aggregate a certain percentage of the value of the properties of the railroads actually engaged in transportation."

The Pullman surcharge is not a rate. It has only a remote relation to the question of rate making. It is an arbitrary charge. To deny the carriers the right to collect it is not an interference with a rate-making power that ought to be exercised by the administrative tribunal created by this body for the purpose of making rates. The majority opinion rendered by the commission—it is improperly styled the "majority opinion," but for convenience of argument we will call it that. The opinion of Commissioner Lewis concurring recognizes that the charge ought not to exist. He said that some changes and adjustments would be necessary, but that the Pullman surcharge ought to be made to disappear; that it is exceedingly unpopular and is regarded by the public as oppressive.

It can not be justified as a permanent part of the rate structure of the railway companies. Many of the railway executives recognize that fact. It was never intended to be permanent, and the commission indicated in their opinion that it ought not to be permanent. But it has been left in force when there is no necessity for it. It is probably true that readjustments should be made in the arrangements between the Pullman Co. and the carriers, but there is not a legal excuse, and there is not an excuse founded on public policy, for the retention of a charge which is so unpopular and which at the same time is without service to support it.

The lobby was able not only to get Representatives to vote against their own bills, but it called to its aid some who are in the habit of posing as the champions of the interests of the farmer. Many mistakes have been made and some crimes have been committed in the name of the farmer. It was asserted in this connection that if the surcharge was repealed it would be impossible to reduce freight rates, and that the real interest of the farmer required that those who ride in Pullman cars pay for it as a luxury—in the hope that the carriers would reduce the rates on products grown and consumed on American farms. Everyone with sufficient intelligence to comprehend the issue knows that Pullman service is not a luxury. He knows and must recognize that it is a necessity for those on long journeys. When a passenger has paid for the service that he has received he has done all that good conscience requires of him.

The Representative who made the speech to which I referred a while ago, and who finally voted against his own bill, showed that the profits now derived by the railroads from the Pullman surcharge are approximately ten times what they were in the period immediately preceding the war. He showed conclusively, too, that there was an enormous falling off in the number of Pullman-car miles operated by the railroads immediately following the imposition of the Pullman surcharge. There is not the slightest doubt that if the Pullman service were placed upon a reasonable basis and the passengers were permitted to pay the railroads for the service they receive and the Pullman Co. for the service performed by it, then the total number of persons traveling in Pullman cars would more than compensate for any loss which might at first result by reason of the removal of the charge. In many parts of the country the rates imposed by the carriers are such and the conditions of service which they perform are so unsatisfactory that trucks and automobiles are being resorted to, and that system is growing and will continue to grow. It is a short-sighted policy in railroad management to perpetuate a charge which is both unpopular and unreasonable.

To the man who says that the repeal of the Pullman surcharge by law is oppressive to the railroads, I point out the fact that the railroads of the United States are more prosperous than they have ever been, except, perhaps, in 1923. I want them to be prosperous. Thousands of people have investments in railroad securities, and by no vote of mine would I deprive them of a fair opportunity to earn a reasonable return upon their investments when the properties are honestly and economically operated. But the railroads are inviting an attack upon the present system which may result in a reduction of their earning capacity. The recent policy of Congress has been to safeguard in every possible and reasonable way invest-

ments in railroad securities, and it is a wise policy; but the railroad managements ought to recognize some obligation to respond to public necessity and public opinion. They ought to have removed or asked permission to remove the Pullman surcharge long ago. If Senators will read the opinion of the Interstate Commerce Commission, they will find little support in well-considered conclusions for the perpetuation of a charge which, when it was imposed, was intended to be temporary and which was not justified by anyone as a part of the permanent revenue structure.

The vote of the House of Representatives in refusing to concur in the amendment under the circumstances indicates that little or nothing would be accomplished by asking the Senate to further insist upon its amendment.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wyoming that the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate No. 5.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 99. An act authorizing the President to appoint two additional circuit judges for the eighth circuit; and

S. 1042. An act to provide for the establishment of a probation system in the United States courts, except in the District of Columbia.

The message also announced that the House had passed the bill (S. 4191) to permit the merger of street railway corporations operating in the District of Columbia, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a joint resolution (H. J. Res. 365) to provide for the expenditure of certain funds received and to be received from the Persian Government for the education in the United States of Persian students, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 365) to provide for the expenditure of certain funds received and to be received from the Persian Government for the education in the United States of Persian students, was read twice by its title and referred to the Committee on Foreign Relations.

HOSPITALIZATION OF WORLD WAR VETERANS

Mr. FERNALD. From the Committee on Public Buildings and Grounds, I report back favorably without amendment the bill (H. R. 11633) to authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, and I ask unanimous consent for its present consideration.

Mr. WALSH of Massachusetts. What is the amount involved?

Mr. FERNALD. The authorization is \$10,000,000.

Mr. WALSH of Massachusetts. The same amount that the House provided?

Mr. FERNALD. The same. The bill passed the House about half an hour ago.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, communicated to the Senate messages in writing and announced that on March 2, 1925, the President had approved and signed the following acts:

S. 970. An act for the relief of the De Kimpke Construction Co., of West Hoboken, N. J.;

S. 1016. An act for the relief of Augusta Reiter;

S. 2100. An act authorizing the sale of the United States Veterans' Bureau hospital at Corpus Christi, Tex.;

S. 2534. An act for the relief of J. E. Saucier;

S. 4087. An act to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.;"

S. 4178. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Hudson River between the States of New York and New Jersey;

S. 4179. An act to authorize the Port of New York Authority to construct, maintain, and operate bridges across the Arthur Kill between the States of New York and New Jersey;

S. 4203. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Kill Van Kull between the States of New York and New Jersey; and

S. 4325. An act authorizing the construction, maintenance, and operation of a bridge across the St. Louis River between the cities of Superior, Wis., and Duluth, Minn.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 37.

Amendment numbered 27: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 27 with the following amendment: In lieu of the third proviso in the matter inserted by the said House amendment insert the following: "Provided further, That the Secretary of the Interior is authorized to enter into such contract or contracts as may be possible whereby the State of Nevada, or local interests, shall aid in promoting the development and settlement of the project after completion by the securing and selection of settlers and the financing of them to enable the purchase of the required livestock, equipment, and supplies, and the improvement of the lands to render them habitable and productive"; and the House agree to the same.

Amendment numbered 30: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 30.

Amendment numbered 34: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 34 with an amendment as follows: In the matter inserted by the amendment of the House to the amendment of the Senate strike out the following: "subject to the conditions hereinbefore set forth in connection with the appropriation for said unit"; and the House agree to the same.

Amendment numbered 38: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 38.

Amendment numbered 50: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 50.

REED SMOOT,
CHARLES CURTIS,
WM. J. HARRIS,

Managers on the part of the Senate.

LOUIS C. CRAMTON,
FRANK MURPHY,
C. D. CARTER,

Managers on the part of the House.

Mr. SMOOT. I will state to the Senate what the conferees have agreed on. This is a final agreement.

Amendment numbered 27, for the Spanish Springs project, was agreed to with an amendment which was submitted to both the Senators from Nevada and they have agreed to the amended provision.

Amendment numbered 37 was disagreed to. It provided for compensation for the Commissioner of Reclamation in the sum of \$10,000. That amendment goes out of the bill.

Amendment numbered 38 is simply a change of total. Amendment numbered 50 provides an appropriation for Howard University. The House made an amendment to the Senate amendment providing an appropriation for beginning the construction of a medical school for that institution. I wish to say that the Senator from Georgia [Mr. HARRIS], who was one of the conferees, signed the report with the distinct understanding that he disapproved of that particular item.

The appropriation for the Vale project, I will say, has been agreed to with an amendment that was satisfactory to the Senators from Oregon.

On the amendment affecting the reclamation project in Washington the House yielded, and the provision stands exactly as it passed the Senate.

Those are the amendments which were in disagreement; they have all been agreed to and the report has been signed.

Mr. PITTMAN and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Utah yield? And if so, to whom?

Mr. SMOOT. I yield to the Senator from Nevada.

Mr. PITTMAN. I simply wish to confirm what the Senator from Utah has said particularly with regard to the Spanish Springs amendment. The House insisted on about seven or eight amendments to the Senate amendment, but the House conferees have finally modified their various amendments in a manner which will not nullify the appropriation, and I therefore consented to the amendment.

I ask to have printed in the RECORD at this point some correspondence touching the subject, so that it will not be necessary to say any more.

Mr. SMOOT. The Senator from Nevada refers to the correspondence between himself and Representative CRAMTON?

Mr. PITTMAN. Yes; between myself and Mr. CRAMTON.

The PRESIDING OFFICER. In the absence of objection, the correspondence referred to by the Senator from Nevada will be printed in the RECORD.

The matter referred to is as follows:

UNITED STATES SENATE,
Washington, February 5, 1925.

ON CONFERENCE ON INTERIOR DEPARTMENT APPROPRIATION BILL

Hon. REED SMOOT,

Chairman of the Managers on behalf of the Senate.

DEAR SENATOR: You asked me if I would have any objection to having a provision such as Senate amendment 32, page, 77, of H. R. 10020 inserted as a part of amendment 27, page 75, Spanish Springs project.

I have reviewed the correspondence from my State on this subject. I have examined the statutes of Nevada, and in addition thereto I have just had a personal conversation with Doctor Mead. The Spanish Springs project has a dual purpose:

1. It is to supply additional water for 7,000 acres in the Truckee-Carson irrigation district.

2. It is to furnish water for irrigation on between 20,000 and 30,000 acres of land outside of the Truckee-Carson irrigation district.

There is no doubt that a new irrigation district would have to be organized. The only people under our statute who can organize a district are the owners or entrymen upon land within the proposed district. On the public land in question to be embraced in the new district there are no entrymen and can not be any entrymen until the preliminary work on the project has been done, estimates of costs made, notice given, and actual entry accomplished by the homesteaders. In the very nature of things this could not be accomplished under several years.

When the project is completed and estimates of costs are made the department may then require the organization of a district by the proposed entrymen and impose such joint terms upon them as the laws of the State of Nevada will permit under the district organizations.

From the correspondence with those informed in my State, and from an examination of the statutes of Nevada, and from my correspondence with Doctor Mead, I am compelled to resist indefinitely any such conditions being attached to the Senate amendment for an appropriation for Spanish Springs.

Sincerely,

KEY PITTMAN.

FEBRUARY 27, 1925.

Hon. LOUIS C. CRAMTON,

*Chairman, Subcommittee of Appropriations Committee,
House of Representatives, Washington, D. C.*

MY DEAR MR. CRAMTON: I have been studying your contemplated amendments to Spanish Springs, Nev., Senate amendment 27, contained in the appropriation bill for the Interior Department. Your first proposed amendment is as follows:

"NEWLANDS PROJECT"

"(27) Spanish Springs division, Nevada: For continued investigations, commencement of construction, and necessary expenses in connection therewith, \$500,000: *Provided*, That no water shall be delivered to irrigators on this division until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law providing for payment by the district or districts as hereinafter provided."

The chief objection to this amendment is this: Seven thousand plus acres of the land for which water is to be furnished under the project is within and a part of the Truckee-Carson irrigation district. This 7,000 acres of land is already obligated as other land in such district. It would be difficult therefore to segregate this 7,000 acres and place it in a new district. Practically all of this land is in a state of cultivation and is already under contract with the Government for the water now being supplied to it. Therefore the amendment under no circumstances, in my opinion, should extend to lands within the Truckee-Carson irrigation district. I presume, however, that such was your intention by the amendment. I take it that in the use of the word "division" you intend this to distinguish the

land outside from the land inside of the boundaries of the Truckee-Carson irrigation district, but it is indefinite. I therefore can not consent to the amendment in the form in which it is in.

It might be cured if the amendment was in this form:

"NEWLAND'S PROJECT"

"(27) Spanish Springs division, Nevada: For continued investigations, commencement of construction, and necessary expenses in connection therewith, \$500,000: *Provided*, That no water shall be delivered to irrigators on this division outside of the limits of the Truckee-Carson irrigation district until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law providing for payment by the district or districts as provided by law."

Your second contemplated amendment reads as follows:

"*Provided further*, That no part of the sum provided for herein shall be expended for construction on account of any lands owned by the Southern Pacific Co. until an appropriate contract in accordance with the terms of this act and in form approved by the Secretary of the Interior shall have been properly executed by the said company fixing the price and conditions of sale of said lands to actual settlers."

I think that the words "this act" found in your contemplated amendment are too limited in their scope. It would appear to me to be better to substitute for the words "this act" "reclamation acts."

Your third contemplated amendment provides for the restraint on the sale of the land until one-half of the construction charges against said land shall have been fully paid. This is general legislation that has never had the consideration of the Senate. I have had no opportunity to study the suggestion. It might be that a quarter or a third or two-thirds of the construction charges should be paid before the alienation of the land is permitted. I am unable to advise with regard to this matter and therefore can not consent to it.

Your fourth contemplated amendment provides for a contract between the United States Government and the State of Nevada looking to the financing of settlers on the proposed project by the State. This question is general legislation which has not received the consideration of the Senate. It is a matter that should be carefully considered with relation to the constitutional powers of the various States, and, again, the attitude of the various States where these projects are to be located should be ascertained and their recommendations with regard to the matter considered. I can not therefore consent to such contemplated amendment.

Your fifth contemplated amendment is also general legislation for changing the time and manner of payment of construction charges. This is a matter that has not had the consideration of the Senate nor have I had an opportunity to consider it.

Your sixth amendment is as follows:

"*Provided further*, That the existing water rights of the present water users of the Newlands project shall have priority over the water rights of the proposed Spanish Springs division."

This is but a declaration of existing law and my only objection to it is that it is unnecessary.

Your seventh amendment reads as follows:

"*Provided further*, That the lands on the existing project below the Lahontan Reservoir shall not be liable for any part of the construction costs of the Spanish Springs division."

I have no objection to this amendment. I never did believe that such homesteaders should be required to pay any part of the Spanish Springs project.

Your eighth suggested amendment reads as follows:

"*Provided further*, That all net revenues from any power plant connected with the Spanish Springs division of the Newlands project shall be applied to the repayment of the construction costs incurred by the Government on said division until such obligations are fully repaid and all net revenues from any power plant connected with the Lahontan Reservoir of the Newlands project shall be applied to the repayment of the construction costs incurred by the Government on the existing project until such obligations are fully repaid."

I have no objection to this amendment, although it does seem that you are limiting the discretion of the Reclamation Service in this matter.

I believe that it is advisable for us to give careful consideration at the next session of Congress to the general legislation that you suggest, and also to the many suggestions coming from water users, the Department of the Interior, and the Reclamation Service. We haven't time to consider them now. We haven't had the opportunity or time to consider them at this session.

I am very desirous of meeting the views of the House and of the conferees on behalf of the House, and for such purpose am willing to make every possible concession that will not, in my opinion, jeopardize the success of the undertaking. Therefore I will not delay the adoption of the conference report under the following conditions:

That you accept my suggestions with regard to the amendment to your proposed No. 1 amendment.

That you present your No. 2 amendment ending with the words "actual settlers" and eliminate all the other provisions dealing with the sale of land.

That you do not present your No. 4 amendment, dealing with the contract between the Federal Government and the State of Nevada relative to financing settlers on the project.

That you do not present your No. 5 amendment, changing the time and manner of payments.

That you do offer your amendments Nos. 6, 7, and 8 in the language in which they are now written.

In other words, to be definite, I will feel it my duty to oppose the adoption of the conference report if it contains your amendments which I refer to as Nos. 3, 4, and 5, and unless my suggestions are accepted with regard to changes in the other amendments referred to in this letter.

I have the honor to herewith return to you your draft of your contemplated amendments.

I thank you for your courtesy in this matter.

Sincerely,

KEY PITTMAN.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 28, 1925.

HON. KEY PITTMAN,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I have yours of February 27 concerning the proposed appropriation for the Spanish Springs project and have carefully noted your suggestions with regard to the proposed amendment I submitted to you. I am modifying the irrigation-district provision as suggested by you.

The provision concerning limitation of price of land I am modifying by striking out the words "in accordance with the terms of this act," which will fully meet your criticism.

Your reference to my "fifth contemplated amendment" as "general legislation for changing the time and manner of payment of construction charges" is based upon a misunderstanding, apparently. In my amendment I have struck out all reference to that matter.

I note also that you have no objection to what you designate as my sixth, seventh, and eighth amendments.

I am also very sorry to note that you do not feel that you can accept what you term as my third and fourth amendments. The third and fourth amendments, providing for limitation of the price at which the land can be sold until half of the construction charges have been repaid and for a contract between the United States and the State of Nevada whereby the State will assume certain responsibility for selection and financing of settlers, I feel are vitally necessary to the success of the project, and, much as I should like to do so, I can not see my way clear to yield to your suggestion that they be eliminated. The department regards something along this line as vital, and I do not think the project ought to be commenced without these provisions. You suggest that provisions more carefully worked out and with more thorough consideration by committees of Congress should control.

The difficulty is that after a project is once commenced it is held a violation of good faith to impose any new provisions that are in any way restrictive of the rights of the proposed project, or the community interested in it. On the other hand, there is never any difficulty in inducing them to accept changes of law or new conditions that relieve them of restrictions or lessen their burdens. It is, therefore, necessary that the restrictions be put in the bill when the project is authorized. If they prove in the light of later judgment of Congress to be impracticable or too onerous Congress will be able to lighten them without any objection from the project.

You will note, as I suggested to you yesterday, that the amendment as framed appropriates \$500,000 for the project and authorizes its construction. None of the limitations herein interfere at all with the expenditure of the money the current year. None of them will interfere at all until the project is completed and the time comes to turn the water on the land. That period will be four or five years hence. I do not believe that these provisions ought to be changed hereafter for I think they will conserve the best interests of the project as well as the Federal Treasury. You feel that they are either undesirable or at least unconsidered. If they are held hereafter by Congress to be undesirable or if Congress passes general legislation which it desires to apply to this project, there is ample time for Congress to take that action. In the meantime, the construction of the project will go forward.

I wish very much I could more fully meet your views, but looked at from this angle, I trust we may be able to work together for the initiation of the project, I am,

Yours sincerely,

LOUIS C. CRAMTON.

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I yield.

Mr. OVERMAN. I desire to ask the Senator from Utah a question. Do I understand that as to the item in regard to Howard University there is a complete agreement between the Senate and the House?

Mr. SMOOT. Yes. I do not know whether or not the Senator was present when I made my statement, but the Senator from Georgia [Mr. HARRIS], being a member of the conference committee on the part of the Senate, signed the report with the distinct understanding that he did not personally agree to that amendment.

Mr. OVERMAN. Mr. President, I must protest against this item of appropriation. As is well known, I have fought, and successfully fought, against this appropriation on previous occasions, not upon race prejudice, but upon the ground that it is against public policy and against the Constitution of our country. We have no right to appropriate the money of the taxpayers and give it to private institutions. In view of the short time remaining until we shall adjourn sine die, I can only protest against such action now, for I do not want to defeat the entire bill, but I do not think we have any right to make any such appropriation. If we can appropriate public funds for Howard University, we can appropriate for any other private institution in this country, but if we should appropriate funds from the Treasury of the United States to any other university in the District of Columbia or in any of the States of the Union, we would find everybody objecting to such action on our part.

Three times, Mr. President, this item of appropriation has come before us, and three times it has been defeated. Now it is brought in at this hour when we have no time to fight it and to give our reasons why it should not be adopted. All I can do, Mr. President, is to utter my earnest protest against this action on the part of Congress.

Mr. COPELAND and Mr. DIAL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield and, if so, to whom?

Mr. SMOOT. I yield first to the Senator from New York.

Mr. COPELAND. May I ask how much the appropriation for Howard University is?

Mr. SMOOT. The total amount authorized is \$370,000.

Mr. COPELAND. So that by the acceptance of the conference report it will finally mean the expenditure of that sum?

Mr. SMOOT. It means finally the expenditure of \$370,000.

Mr. COPELAND. I am very glad, indeed, that Howard University has succeeded in getting that amount of money. I can think of no public service which could be rendered which would be of more importance; and I congratulate the conferees that the item remains in the bill.

Mr. DIAL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. SMOOT. I yield.

Mr. DIAL. Mr. President, I wish to join in the protest of my colleague, the Senator from North Carolina [Mr. OVERMAN]. This is a precedent which ought not to be followed in the future.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. ODDIE. Mr. President, I wish to say that I am in agreement with the item in the conference report regarding the Spanish Springs project in Nevada. I have had frequent conferences with Mr. CRAMTON during the last few days, the last one being this morning, and I learned from him the result of the conference. I shall be very glad to see the report adopted, as I think it is entirely satisfactory.

Mr. HARRIS. Mr. President, I signed the conference report this morning, as the Senator from Utah [Mr. SMOOT] has stated, though I objected to the item of appropriation for Howard University. It was only because delay would have jeopardized the passage of the bill at this session that I finally consented to sign the conference report.

Mr. SMITH. Mr. President, may I ask the Senator from Utah on what ground, if he can reply in a few words, is this appropriation to this institution justified?

Mr. SMOOT. Mr. President, the Senator from South Carolina knows that we have been appropriating money for Howard University for a great many years. If Howard University is to succeed there must be established a medical department in that institution. I think now there are only about 918 colored doctors or dentists in the United States. That is so small a number that in all parts of this country there is a

lack of colored doctors and dentists. If Howard University is going to be of special service to the colored race in this country, there must be a medical department established there.

Mr. SMITH. The real ground on which the appropriations have heretofore been based has been that they constituted merely a gift by the Government to a private institution because of the relation of the Government at the time the appropriation was made to the colored race.

Mr. SMOOT. I think there is a little more than that. As the Senator will remember, when the question was under consideration here two or three years ago the law was cited from which it appeared there was a closer connection between the Government and Howard University than there was between any other private school and the Government.

Mr. SMITH. The Government does not make similar appropriations to any other educational institution in this country, does it?

Mr. SMOOT. None, so far as I know.

Mr. BRUCE. Mr. President, I desire to say that the policy of the State which I in part represent in the matter of providing proper educational facilities for the colored people is a very liberal one. Of course, as we all know, in our section of the United States they are cut off very largely from any opportunity to acquire a professional education. The Howard University gives them that opportunity, and I think that they are entitled to it. If a colored man wants to be a dentist or a doctor or follow some other profession without restriction, it seems to me that he should be accorded the opportunity.

Mr. GLASS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Virginia?

Mr. BRUCE. I yield.

Mr. GLASS. Does the Senator think it is the business of the Congress to tax all the people of the United States and take that money to provide dentists for one race?

Mr. BRUCE. I mean to say simply that what I state is in line with what the Government has been doing, as we all know, for years and years. This institution exists in the District of Columbia, which, of course, is not a State, and where the Government has unusual freedom in the matter of appropriations of one sort and another for purposes of this description.

Mr. GLASS. In other words, we hear a great many protestations against racial distinction. What is this but racial distinction? Does the Senator from Maryland dream for one moment that if the Howard University turned out white dentists the Congress of the United States would appropriate for it?

Mr. BRUCE. There is no need for having an institution aided by Congress to provide for the education of white dentists.

Mr. GLASS. Let us do away with this miserable pretense about not having any race discrimination. Let us say that we are doing this because they are "darkies," and be done with it.

Mr. BRUCE. The Senator goes on so quickly he does not give me a chance to answer his questions after he puts them to me. I do not think that the principle of race discrimination is involved at all in the case. If the white people of the District of Columbia were in need of Government assistance in the same way, I should be in favor of giving it to them; but we know that every institution in this part of the country where professional or technical skill can be acquired is open to the white race, but is not open to the negro. So I feel that there ought to be one place where the negro can acquire a professional education, whether it be dental or medical or legal.

Mr. GLASS. They may acquire it if they will tax themselves as white people tax themselves and establish institutions for that purpose.

I do not want to be misunderstood about the matter. I have as much solicitude for the welfare of the colored people as has the Senator from Maryland, and vastly more solicitude for them than have some other Senators who merely want to corral their votes on election day in the border States.

Mr. BRUCE. I am not influenced by any such consideration.

Mr. GLASS. I am not protesting; I am simply opposing this miserable pretense about not having any racial discrimination, when this is not only a racial discrimination but the Senator knows perfectly well that it is not a proper function of Government to take from the common fund of all the people and to discriminate in favor of any particular race in matters of this kind; and the Senator knows perfectly well that it is not done with respect to any white institution in the country.

Mr. BRUCE. I think if we did not do something of this kind the result would be discrimination. The white youth can go to Georgetown University or to the Catholic University in

Washington, or he can go to the University of Virginia or any one of the State universities in the Southern States and can acquire a professional education.

Mr. GLASS. I ask the Senator now, who is strictly for textual observance of the Constitution as to the functions of Government, if it is the responsibility of the Government to be educating dentists and physicians?

Mr. BRUCE. When it comes down to that, I do not see any constitutional authority for anything that the Government has ever done since the enactment of the Morrill Act for the promotion of education. I have more than once asked lawyers of this body whether they could find any clause in the Federal Constitution to which the power on the part of Congress to legislate in relation to education could be referred, and as yet I have never heard any Senator say that there is any such clause. We all know, however, that for years, ever since the enactment of the Morrill Act, Congress has been promoting popular education in all sorts of ways. It seems to me that this is a fine opportunity to continue its work.

There is nobody in the United States who believes more completely than I do in drawing a hard and fast line of social distinction between the Negro and the white race; and I am not moved in the slightest degree by any political considerations, because in the State of Maryland only a handful of negroes, if any, so far as I know, every vote the Democratic ticket. I say, however, that we have this race on our hands; we owe them a duty; and it is entirely in keeping with the policy of the Government for years back to make an appropriation of this kind. I feel, therefore, that every legitimate opportunity ought to be given to the negro to make a man of himself, and to make an educated man of himself, too.

Everybody knows that if a negro in this part of the world goes into a dental or medical office he is not welcomed or warmly welcomed, and that here he lacks to a very great degree opportunities for acquiring professional training and experience. Now, we must have some fixed policy about the negro. None of us expects him to be exterminated.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry. The PRESIDING OFFICER. The Senator from California will state his parliamentary inquiry.

Mr. SHORTRIDGE. What is the immediate matter before the Senate?

The PRESIDING OFFICER. The question before the Senate is on agreeing to the conference report on the Interior Department appropriation bill.

Mr. SHORTRIDGE. What action is proposed?

The PRESIDING OFFICER. The question is on agreeing to the entire report.

Mr. BRUCE. As I say, Mr. President, nobody expects the negro in this country to die out. Nobody expects him to be exterminated. Nobody expects to see him blended by intermarriage with the white race. The only true policy with reference to the races in the United States is the policy that has been pursued now for many years, of carrying them along on parallel but never converging lines; and the correlative of that is that the negro should be awarded the full measure of equal and just treatment so far as his ability to acquire education and earn a living for himself is concerned.

I have voted for every one of the recent appropriations for Howard University, and I propose to vote for this one, too.

Mr. GLASS. Mr. President, if it is proposed to put this appropriation upon the basis of public philanthropy by the Government, that is one question. There are persons who think that the Government has no essential right to be philanthropic; that it is the business of the Government to collect the taxes of the people and to expend those taxes in defraying the expense of administering the Government, and not to give away funds to a private institution, white or black, and had I been delegated to select a Senator on this floor who above any other Senator subscribed to that doctrine, I would have picked the Senator from Maryland.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Maryland?

Mr. GLASS. I do.

Mr. BRUCE. Does not the Government, in point of fact, make appropriations to educational institutions of all sorts throughout the country?

Mr. GLASS. Yes; but not to a single private institution, and the Senator knows that. It makes appropriations to land-grant colleges for educational purposes—

Mr. BRUCE. Under the Morrill Act.

Mr. GLASS. But not for any private educational institution, as this is, unquestionably. It has been so determined.

I should not have risen here to protest against this appropriation at all, because I realize that it is an irregular, indefensible act of philanthropy by the Government, expending public funds for private purposes, and because of my attachment to and sympathy for the Negro race I never have lifted my voice on this floor against appropriations to Howard University, but when a Senator rises here and justifies it upon the ground that it is the business of the Government to be turning out dentists or professional men of any kind, I just felt so amazed that I was impelled to express my surprise at the action of the Senator from Maryland.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New York?

Mr. GLASS. Yes; I yield to the Senator from New York.

Mr. COPELAND. I should like to ask the Senator from Virginia if he voted for good roads?

Mr. GLASS. I voted for good roads; yes. Do not negroes as well as white people travel over good roads?

Mr. COPELAND. Yes.

Mr. GLASS. Was I guilty of any race distinction there?

Mr. COPELAND. I am wondering how the Senator justifies the expenditure of Federal money on good roads.

Mr. GLASS. Oh, well, the Senator ought to read his Federal Constitution, and he would find out. He has forgotten that particular provision of it.

Mr. COPELAND. I have read the Constitution, and because of that my conscience would not permit me to say that appropriations made for good roads are in accordance therewith.

SEVERAL SENATORS. Vote!

Mr. SMITH and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SMITH. Mr. President, I just wanted to ask the Senator—

Mr. BRUCE. I have the floor if anybody has.

The PRESIDING OFFICER. No Senator has been recognized, and no Senator will be recognized until the Senate is in order. [A pause.] The Senator from South Carolina is recognized.

Mr. SMITH. Mr. President, may I ask the Senator in charge of the bill how this amendment came into the bill?

Mr. SMOOT. Through the provision which went to the House. We had the papers, and we inserted the provision for Howard University so it had to go back to the House for a vote under the rules of the House; and when the House took up the question they voted upon our amendment, and put this in as an amendment to the amendment.

Mr. SMITH. Do I understand that the Senate put it in?

Mr. SMOOT. No, no; the House put it in.

Mr. CURTIS. By a vote in the House.

Mr. SMOOT. By a vote in the House.

Mr. SMITH. And then the conferees agreed to it?

Mr. SMOOT. Yes.

Mr. SMITH. I just wanted to know whether or not it was subject to a point of order.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BRUCE. Mr. President, just one statement; that is all. I am not going to detain the Senate, but I want to submit this to the Senator from Virginia.

It is just impossible, if the Senator will stop for a moment to think, to make any appropriation for the benefit of the Negro race without involving such a discrimination as he imagines, because, of course, we can not have coeducation, in this part of the world at any rate, of negroes and white people, and consequently the Government could not make any appropriation at all in this case without what the Senator from Virginia calls discrimination.

Mr. GLASS. The Senator knows perfectly well, without my telling him, that it is a discrimination, because no such appropriation was ever made for a white school of a private nature.

Mr. BRUCE. It would be made if it were expedient and necessary.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

NINTH INTERNATIONAL PRISON CONGRESS

The PRESIDING OFFICER (Mr. MOSES in the chair). The Chair lays before the Senate a message from the President of the United States with an accompanying communication from the Secretary of State. The message will be read.

The message was read, as follows:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State, recommending legislation by Congress authorizing an appropriation of \$10,000, or so much thereof as may be necessary, for the expenses of delegates, not exceeding 12, to the Ninth International Prison Congress to meet at London in August, 1925.

I approve the recommendation, which I trust will receive the favorable consideration of the Congress.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, March 2, 1925.

The PRESIDING OFFICER. The message, with the communication from the Secretary of State, will be referred to the Committee on Foreign Relations.

LAWS AND RESOLUTIONS OF THE PHILIPPINE LEGISLATURE

The PRESIDING OFFICER. The Chair also lays before the Senate a message from the President of the United States, with accompanying documents, which will be read:

The message was read, as follows:

To the Congress of the United States:

As required by section 19 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith a set of laws and resolutions passed by the Sixth Philippine Legislature during its second session, from October 16, 1923, to February 8, 1924, inclusive.

CALVIN COOLIDGE.

THE WHITE HOUSE, March 2, 1925.

The PRESIDING OFFICER. The message, with its accompanying documents, will be referred to the Committee on Territories and Insular Possessions.

CONTRACTS UPON NEW YORK STATE BARGE CANAL

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 102) authorizing the Secretary of War to modify certain contracts entered into for the sale of boats, barges, tugs, and other transportation facilities intended for operation upon the New York State Barge Canal, which were to strike out all after "shall" down to and including "\$500,000," in line 7, and insert:

be such that the total amount received and to be received by the United States from the sale of such boats, barges, tugs, and other transportation facilities shall be not less than \$500,000, which shall be paid within 90 days after the date of such new contract or contracts: *Provided further*, That any such new contract or contracts shall provide that the New York Canal and Great Lakes Corporation shall reestablish the line formerly known as the Intra-Coastal Section, Inland and Coastwise Waterways Service, operating between Baltimore, Md., and New Berne, Beaufort, and Morehead City, N. C., and shall operate such line by not less than two self-propelled barges.

Mr. WADSWORTH. I move that the Senate concur in the House amendments.

The motion was agreed to.

FEDERAL VETERANS' HOSPITAL AT MUSKOGEE, OKLA.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 189) authorizing the enlargement of the Federal veterans' hospital at Muskogee, Okla., by the purchase of an adjoining city hospital and authorizing the appropriation of \$150,000 for that purpose, which was, on page 2, line 8, after the word "Muskogee," to insert:

Provided, That this money shall be taken out of any lump sum heretofore or hereafter appropriated for hospital purposes.

Mr. HARRELD. I move to concur in the amendment of the House.

Mr. REED of Pennsylvania. I move to amend the amendment of the House by striking out the words "heretofore or hereafter appropriated" and inserting the words "appropriated after March 1, 1925."

Mr. HARRELD. I will accept that amendment.

The PRESIDING OFFICER. The question is upon agreeing to the amendment to the House amendment offered by the Senator from Pennsylvania.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

COMMISSION IN CONTROL OF THE HOUSE OFFICE BUILDING

The PRESIDING OFFICER laid before the Senate the joint resolution (H. J. Res. 382) empowering the Speaker of the House of Representatives to appoint a Member elect of the Sixty-ninth Congress as a member of the Commission in Control of the House Office Building, which was read twice by its title.

Mr. CURTIS. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Resolved, etc., That the Speaker of the House of Representatives of the Sixty-eighth Congress is hereby empowered to appoint a Member elect of the House of Representatives to the Sixty-ninth Congress as a member of the Commission in Control of the House Office Building until the election of a Speaker of the House of Representatives of the Sixty-ninth Congress.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEETING OF INTERPARLIAMENTARY UNION

Mr. MCKINLEY. I ask that the resolution from the Rules Committee which I send to the desk be acted upon.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent to present a report from the Committee on Rules. Is there objection? The Chair hears none. The report will be received, and the resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 355), as follows:

Resolved, That the chairman of the Committee on Rules of the United States Senate is hereby authorized to allow, so far as he may deem wise and under such regulations as he may determine, the use of the Senate Chamber and adjacent rooms for the meeting of the Interparliamentary Union between October 1 and 6, 1925.

The PRESIDING OFFICER. The Senator from Illinois asks further unanimous consent for the present consideration of the resolution. Is there objection?

The resolution was considered by unanimous consent, and agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 3406) relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes.

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the President *pro tempore*:

S. 4210. An act to authorize the building of a bridge across the Congaree River in South Carolina;

S. 4211. An act to authorize the building of a bridge across the Catawba River in South Carolina;

S. 4212. An act to authorize the building of a bridge across the Broad River in South Carolina;

H. R. 2646. An act for the relief of Ida Fey;

H. R. 5637. An act for the relief of Edward R. Wilson, lieutenant commander, Supply Corps, United States Navy;

H. R. 9846. An act for the relief of Francis Kelly;

H. R. 10770. An act granting certain lands to the State of Washington for public park and recreational grounds, and for other purposes;

H. R. 11067. An act to provide for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho; and

H. J. Res. 347. Joint resolution providing for an investigation of the official conduct of George W. English, district judge for the eastern district of Illinois.

ADDITIONAL REPORTS OF COMMITTEES

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 926) for the relief of Joseph F. Thorpe, reported it without amendment and submitted a report (No. 1261) thereon.

Mr. LADD, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 12264. An act granting the consent of Congress to the State of Minnesota and the counties of Sherburne and Wright to construct a bridge across the Mississippi River (Rept. No. 1262);

H. R. 12376. An act to extend the times for the commencement and completion of the bridge of the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, across the Red River of the North on the boundary line between said States (Rept. No. 1263); and

H. R. 12405. An act granting the consent of Congress to the city of Rockford, in the county of Winnebago and State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Rock River (Rept. No. 1264).

NATIONAL BANKING ASSOCIATIONS AND FEDERAL RESERVE SYSTEM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8887) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918, to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5209, section 5211 as amended, of the Revised Statutes of the United States; and to amend sections 13 and 24 of the Federal reserve act, and for other purposes.

Mr. PEPPER and Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized. Does the Senator from Pennsylvania yield to the Senator from Kansas?

Mr. PEPPER. I yield for any purpose consistent with the present consideration of this bill.

Mr. CURTIS. Mr. President, I have risen to move that the Senate proceed to the consideration of executive business.

Mr. CARAWAY. Mr. President—

Mr. CURTIS. Just a second.

Mr. PEPPER. Mr. President, I yielded to the Senator from Kansas for any purpose consistent with the present consideration of this measure.

Mr. CURTIS. The Senator from Kansas has not completed his statement.

The Senator from Pennsylvania has a right to have his bill taken up. The bill can not be passed to-night, and there is not a Senator in this Chamber who believes that it can be passed to-night. It is absolutely useless for us to stay here to-night and wear ourselves out, and I do hope the Senator will yield for me to make the motion.

Mr. ODDIE. Mr. President—

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. CURTIS. If the Senator does not yield for that purpose, I shall make the motion at the first opportunity.

Mr. WATSON, Mr. STERLING, and Mr. ODDIE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield, and, if so, to whom?

Mr. PEPPER. I yield to the Senator from Indiana.

Mr. CURTIS. Mr. President, does the Senator decline to yield for me to make a motion to go into executive session?

Mr. PEPPER. Yes, Mr. President; I must decline to yield for that purpose.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield, and, if so, to whom?

Mr. PEPPER. I yield for a question, or to any Senator for any observation not inconsistent with the immediate consideration of this measure.

Mr. CURTIS. I demand the regular order.

The PRESIDENT pro tempore. The regular order is the banking bill, and the pending question is upon agreeing to the amendment proposed by the committee on line 15, page 9. The amendment will be stated.

The CHIEF CLERK. On page 9, line 15, to strike out, after the word "Provided" down to and including the word "branches" on page 10, line 12, and insert:

That it shall be unlawful for any such national banking association to retain any branch or branches in any State which at the time of the approval of this act did not by law, regulation, or usage with official sanction permit State banks or trust companies to have such branches; but branches established by a State bank under such law, regulation, or usage and heretofore lawfully retained when conversion into a national banking association was effected may continue to be maintained by such association.

EXECUTIVE SESSION

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. ASHURST. I demand the yeas and nays.

The yeas and nays were ordered and taken.

Mr. GLASS (after having voted in the negative). I transfer my general pair with the senior Senator from Connecticut [Mr. McLEAN] to the senior Senator from Tennessee [Mr. SHIELDS] and let my vote stand.

Mr. OWEN. I transfer my pair with the Senator from West Virginia [Mr. ELKINS] to the Senator from Wyoming [Mr. KENDRICK], and vote "nay."

Mr. OVERMAN. I have a general pair with the senior Senator from Wyoming [Mr. WARREN], who is not in the Chamber. I think, however, that he would vote as I shall vote, and therefore, I vote "yea."

Mr. ERNST. I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the senior Senator from Vermont [Mr. GREENE], and vote "nay."

The result was announced—yeas 43, nays 34, as follows:

YEAS—43

Ball	Frazier	Means	Shipstead
Broussard	Harrell	Metcalf	Simmons
Butler	Harrison	Neely	Smith
Capper	Heflin	Norris	Smoot
Cummins	Howell	Overman	Sterling
Curtis	Jones, Wash.	Pittman	Underwood
Dale	King	Ralston	Walsh, Mass.
Dial	Ladd	Ransdell	Weller
Edwards	McKellar	Reed, Mo.	Wheeler
Fess	McKinley	Robinson	Willis
Fletcher	Mayfield	Sheppard	

NAYS—34

Ashurst	Dill	Johnson, Minn.	Shortridge
Bayard	Edge	McNary	Spencer
Bingham	Ernst	Moses	Stephens
Brookhart	Ferris	Norbeck	Swanson
Bruce	Glass	Oddie	Trammell
Bursum	Gooding	Owen	Wadsworth
Cameron	Hale	Pepper	Watson
Caraway	Harris	Phipps	
Copeland	Johnson, Calif.	Reed, Pa.	

NOT VOTING—19

Borah	George	Keyes	Stanfield
Couzens	Gerry	La Follette	Stanley
Deneen	Greene	Lenroot	Walsh, Mont.
Elkins	Jones, N. Mex.	McLean	Warren
Fernald	Kendrick	Shields	

So Mr. CURTIS's motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session, the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 11 o'clock, the recess being in accordance with the order heretofore made.

The motion was agreed to; and the Senate (at 7 o'clock and 25 minutes p. m.), under the order previously entered, took a recess until to-morrow, Tuesday, March 3, 1925, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 2 (legislative day of February 26), 1925

John R. Sinnock, of Philadelphia, Pa., to be engraver in the mint of the United States at Philadelphia, Pa., to fill an existing vacancy caused by the death of Hon. George T. Morgan.

APPOINTMENT IN THE REGULAR ARMY

MEDICAL CORPS

To be lieutenant colonel

Maj. Edgar William Miller, Medical Corps, with rank from February 16, 1925.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

SIGNAL CORPS

Second Lieut. George Anthony Bicher, Air Service, with rank from June 12, 1924.

COAST ARTILLERY CORPS

Second Lieut. William Field Sadler, Signal Corps, with rank from June 13, 1922.

Second Lieut. Robin Bernard Pape, Air Service, with rank from June 12, 1924.

Second Lieut. Donald Dean Rule, Air Service, with rank from June 12, 1924.

INFANTRY

Second Lieut. Francis Robert Stevens, Air Service, with rank from June 12, 1924.

PROMOTIONS IN THE REGULAR ARMY

To be majors

Capt. Donald Henley, Infantry, from February 25, 1925.
 Capt. Joseph Daly Coughlan, Field Artillery, from February 27, 1925.

To be captains

First Lieut. Ernest Leonard Paul Treuthardt, Quartermaster Corps, from February 25, 1925.
 First Lieut. Richard Pegram Boykin, Quartermaster Corps, from February 27, 1925.
 First Lieut. Alexander Forest Dersheimer, Quartermaster Corps, from March 1, 1925.

To be first lieutenants

Second Lieut. Godfrey Douglas Adamson, Field Artillery, from February 22, 1925.
 Second Lieut. Wilson Burnett Higgins, Corps of Engineers, from February 25, 1925.
 Second Lieut. Albert Newell Tanner, jr., Corps of Engineers, from February 25, 1925.
 Second Lieut. Frederic Lord Hayden, Coast Artillery Corps, from February 26, 1925.
 Second Lieut. Warren Cressman Rutter, Coast Artillery Corps, from February 27, 1925.
 Second Lieut. Harold Frank Handy, Field Artillery, from March 1, 1925.

PROMOTIONS AND APPOINTMENTS IN THE NAVY

Lieut. Commander Herbert A. Jones to be a commander in the Navy from the 16th day of February, 1925.
 Lieut. (Junior Grade) George L. Richmire to be a lieutenant (junior grade) in the Navy from the 5th day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Ensign Lucius K. Scott to be a lieutenant (junior grade) in the Navy from the 3d day of June, 1924.

Asst. Paymaster Walter W. Mahany to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 1st day of March, 1925.

The following-named chaplains to be chaplains in the Navy, with the rank of commander, from the 2d day of July, 1924:

Robert D. Workman.	Roy L. Lewis.
Edward A. Duff.	Charles H. Hastings.
William W. Elder.	Truman F. Riddle.
Herbert Dumstrey.	

Chaplain Frank H. Lash to be a chaplain in the Navy, with the rank of commander, from the 26th day of July, 1924.

Chaplain Emil H. Groth to be a chaplain in the Navy, with the rank of commander, from the 14th day of August, 1924.

Chaplain Joseph T. Casey to be a chaplain in the Navy, with the rank of commander, from the 3d day of October, 1924.

Chaplain William W. Edel to be a chaplain in the Navy, with the rank of commander, from the 12th day of October, 1924.

The following-named chaplains to be chaplains in the Navy, with the rank of commander, from the 3d day of November, 1924:

Charles V. Ellis.	Robert E. Miller.
George S. Rentz.	Haines H. Lippincott.
Francis L. McFadden.	Bart D. Stephens.
Wilford R. Hall.	Morris M. Leonard.
Harrill S. Dyer.	John H. Finn.
Albert N. Park, jr.	

Naval Constructor John G. Tawresey to be a naval constructor in the Navy, with the rank of rear admiral, from the 2d day of March, 1925.

The following-named citizens to be assistant civil engineers in the Navy, with the rank of lieutenant (junior grade), from the 26th day of February, 1925:

Carl W. Porter, a citizen of Virginia.
 Joseph A. Wise, a citizen of Minnesota.

Machinist James E. O'Neill to be a chief machinist in the Navy, to rank with but after ensign, from the 20th day of November, 1924.

POSTMASTERS

ARIZONA

Lena E. Hempstead to be postmaster at Bowie, Ariz., in place of L. B. Tomlinson, resigned.

ARKANSAS

Lucile M. Deer to be postmaster at Leola, Ark., in place of L. M. Deer. Office became third class July 1, 1924.

CALIFORNIA

Anna L. Davidson to be postmaster at Halleck, Calif., in place of A. L. Davidson. Office became third class April 1, 1924.

GEORGIA

Thomas W. Cobb to be postmaster at Warthen, Ga., in place of T. W. Cobb. Office became third class October 1, 1923.

Jennie I. Ingram to be postmaster at Townsend, Ga., in place of J. I. Ingram. Office became third class July 1, 1924.

Rosa L. Lindsey to be postmaster at Irwinton, Ga., in place of R. L. Lindsey. Office became third class October 1, 1923.

Deborah McNair to be postmaster at Damascus, Ga., in place of Deborah McNair. Office became third class October 1, 1924.

George W. McKnight to be postmaster at Camilla, Ga., in place of T. B. Perry, removed.

George B. McIntyre to be postmaster at Alley, Ga., in place of G. B. McIntyre. Office became third class April 1, 1924.

Berta W. Fincher to be postmaster at Roberta, Ga., in place of J. L. Jones. Office became third class July 1, 1924.

St. James B. Alexander to be postmaster at Reidsville, Ga., in place of R. G. Strickland. Incumbent's commission expired May 6, 1924.

Grover C. Brantley to be postmaster at Lyons, Ga., in place of C. C. Moseley. Incumbent's commission expired July 28, 1923.

James P. Wood to be postmaster at Augusta, Ga., in place of J. C. McAniff. Incumbent's commission expired June 4, 1924.

Lonnie E. Sweat to be postmaster at Blackshear, Ga., in place of L. E. Sweat. Incumbent's commission expired June 4, 1924.

ILLINOIS

Frank M. Allen to be postmaster at Hillview, Ill., in place of W. E. Clark, removed.

Harold R. Kerchner to be postmaster at Walnut, Ill., in place of F. L. Quilter, resigned.

INDIANA

Jacob W. Hunsberger to be postmaster at Wakarusa, Ind., in place of Vern Hahn. Incumbent's commission expired June 5, 1924.

Rexford F. Hinkle to be postmaster at Hymera, Ind., in place of A. M. Hiatt, resigned.

Edna S. Beeson to be postmaster at Galveston, Ind., in place of H. S. S. Bell, resigned.

IOWA

Frank S. Smith to be postmaster at Carson, Iowa, in place of C. E. Tyler, resigned.

KANSAS

John A. Porter to be postmaster at Mount Hope, Kans., in place of P. B. Dick, deceased.

Elza W. Reel to be postmaster at Fort Leavenworth, Kans., in place of Siegfried Kuraner. Incumbent's commission expired February 28, 1924.

Estella Emrich to be postmaster at Longford, Kans., in place of Rudolph Kissling. Office became third class October 1, 1924.

William Russell to be postmaster at West Mineral, Kans., in place of William Russell. Office became third class January 1, 1925.

Karl S. Dale to be postmaster at Protection, Kans., in place of T. L. Chase. Incumbent's commission expired January 23, 1924.

Lon L. Robinson to be postmaster at La Crosse, Kans., in place of Rodney Torrey. Incumbent's commission expired June 4, 1924.

Orange J. Mark to be postmaster at Coldwater, Kans., in place of H. A. Replogle. Incumbent's commission expired January 23, 1924.

Warren I. Nash to be postmaster at Coats, Kans., in place of S. B. Kocher. Incumbent's commission expired May 6, 1924.

KENTUCKY

Myrtle Miller to be postmaster at Hazel Green, Ky., in place of J. I. Hollon. Office became third class April 1, 1924.

Homer Murray to be postmaster at Woodburn, Ky., in place of B. E. Potter. Office became third class April 1, 1921.

MARYLAND

Harvey N. Burgeon to be postmaster at Manchester, Md., in place of W. C. Shearer, resigned.

MICHIGAN

Walter C. Oesterle to be postmaster at Webberville, Mich., in place of Frank Aldrich, resigned.

Harold D. Cole to be postmaster at Holly, Mich., in place of B. P. Daugherty, resigned.

Edwin S. Winchell to be postmaster at Hemlock, Mich., in place of F. A. Schulte, deceased.

MINNESOTA

Aaron T. Arneson to be postmaster at Carver, Minn., in place of D. A. Ahlin, resigned.

Wallace W. Towler to be postmaster at Annandale, Minn., in place of E. N. Brandon. Incumbent's commission expired June 5, 1924.

William Bole to be postmaster at St. Charles, Minn., in place of U. B. Harris, removed.

Wilbert D. Hanson to be postmaster at Grove City, Minn., in place of N. E. Hawkinson, deceased.

MISSISSIPPI

Sallie C. Walker to be postmaster at Lauderdale, Miss., in place of A. R. Shelby, removed.

Robert C. Malone to be postmaster at Pace, Miss., in place of H. V. Henry. Office became third class April 1, 1924.

Ethel W. Backstrom to be postmaster at McLain, Miss., in place of E. L. Backstrom. Office became third class October 1, 1923.

MONTANA

Bruce R. McNamer to be postmaster at Shelby, Mont., in place of H. F. Cox. Incumbent's commission expired August 5, 1923.

NEBRASKA

William E. Bales to be postmaster at Hershey, Nebr., in place of F. E. Davis, resigned.

Herman W. Ullrich to be postmaster at Cortland, Nebr., in place of Wilbur Thomas. Office became third class October 1, 1924.

Herman G. Tunberg to be postmaster at Verdel, Nebr., in place of Catharine Tunberg, declined.

Henry J. Newsom to be postmaster at North Bend, Nebr., in place of J. M. Robinson, removed.

NEVADA

Robert B. Griffith to be postmaster at Las Vegas, Nev., in place of C. P. Squires, resigned.

NEW JERSEY

Florence L. Newman to be postmaster at Seagirt, N. J., in place of K. E. Fraleigh, deceased.

Alice M. Harkness to be postmaster at Marlton, N. J., in place of W. H. Zelle, deceased.

NEW MEXICO

Mary L. White to be postmaster at Roswell, N. Mex., in place of W. L. Radney. Incumbent's commission expired August 25, 1918.

NEW YORK

Wendell C. Wilber to be postmaster at Delanson, N. Y., in place of H. D. Babcock, resigned.

NORTH CAROLINA

Robert E. Hodgin to be postmaster at Guilford College, N. C., in place of J. G. Frazier, jr., resigned.

Malcolm J. Thornton to be postmaster at Clinton, N. C., in place of A. K. Parker, removed.

NORTH DAKOTA

Jacob G. Sigurdson to be postmaster at Upham, N. Dak., in place of P. K. Hanson, removed.

OREGON

Byron A. Bennett to be postmaster at Crane, Oreg., in place of L. A. Cawfield, resigned.

PENNSYLVANIA

Theodore E. Lerch to be postmaster at Palmyra, Pa., in place of G. N. Grumbeln. Incumbent's commission expired June 5, 1924.

William G. Hall, to be postmaster at Ayella, Pa., in place of T. J. Richards, resigned.

John W. Kuhn to be postmaster at Green Lane, Pa., in place of F. N. Gilbert. Office became third class October 1, 1924.

Levi Conner to be postmaster at Glen Campbell, Pa., in place of W. H. McQuilken. Incumbent's commission expired February 4, 1922.

James T. Troxell to be postmaster at Gallitzin, Pa., in place of R. B. McCaa, removed.

SOUTH CAROLINA

Marion B. Welch to be postmaster at Hardeeville, S. C., in place of H. R. Williams, resigned.

SOUTH DAKOTA

Charley L. Corrington to be postmaster at Kadoka, S. Dak., in place of O. C. Sharon, deceased.

TENNESSEE

William E. Moore to be postmaster at Rock Island, Tenn., in place of E. C. Miller. Office became third class October 1, 1924.

TEXAS

Joseph R. Gilliland to be postmaster at Paradise, Tex., in place of J. C. Frost. Office became third class October 1, 1924.

Tenos W. Elkins to be postmaster at Freeport, Tex., in place of H. C. Dorton. Incumbent's commission expired January 31, 1924.

Opal Farris to be postmaster at Daisetta, Tex., in place of O. A. Gildon, resigned.

UTAH

Horace E. Day to be postmaster at Fillmore, Utah, in place of J. F. Day, resigned.

VERMONT

Martha G. Kibby to be postmaster at Randolph Center, Vt., in place of M. G. Kibby. Incumbent's commission expired June 5, 1924.

Gary S. Heath to be postmaster at Derby Line, Vt., in place of G. S. Heath. Incumbent's commission expired August 20, 1923.

WEST VIRGINIA

Tell McDonald to be postmaster at Grantsville, W. Va., in place of B. G. Stump, removed.

Karl C. Lilly to be postmaster at Pemberton, W. Va., in place of R. C. Glick, declined.

Effie B. Landers to be postmaster at Boomer, W. Va., in place of Joe Bell, resigned.

WISCONSIN

Gunnill S. Peterson to be postmaster at Scandinavia, Wis., in place of C. A. Knudson, resigned.

Henry B. Goodwin to be postmaster at Osceola, Wis., in place of W. W. Sanders. Incumbent's commission expired June 5, 1924.

Edward Porter to be postmaster at Cornell, Wis., in place of Edward Porter. Incumbent's commission expired March 22, 1924.

Vera Finnell to be postmaster at Winchester, Wis., in place of Vera Finnell. Office became third class October 1, 1923.

Edwin T. Mattison to be postmaster at Blair, Wis., in place of E. T. Mattison. Incumbent's commission expired March 22, 1924.

John J. Burkhard to be postmaster at Monroe, Wis., in place of E. A. Odell, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 2 (legislative day of February 26), 1925

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE PHILIPPINE ISLANDS.

Antonio L. Villareal, of the Philippine Islands.

JUDGE OF POLICE COURT OF THE DISTRICT OF COLUMBIA.

John P. McMahon to be judge of the police court, District of Columbia.

JUDGE OF JUVENILE COURT OF THE DISTRICT OF COLUMBIA

Kathryn Sellers to be judge of the juvenile court, District of Columbia.

PROMOTIONS IN THE NAVY

Capt. Noble E. Irwin to be a rear admiral.

Commander Lewis B. Porterfield to be a captain.

Leut. (junior grade) Martin Nyburg to be a lieutenant.

Ensign Addis D. Nelson to be lieutenant (junior grade).

Asst. Paymaster Charles E. Leavitt to be a passed assistant paymaster.

Asst. Paymaster Edwin H. Bradley to be a passed assistant paymaster.

Chaplain George B. Kranz to be a chaplain in the Navy, with the rank of commander.

Chaplain Milton H. Petzold to be chaplain in the Navy, with the rank of commander.

Chaplain Garrett F. Murphy to be a chaplain in the Navy, with the rank of commander.

Chaplain John W. Moore to be a chaplain in the Navy, with the rank of commander.

The following-named citizens to be assistant dental surgeons, with the rank of lieutenant (junior grade):

Otis A. Peterson.

Theodore D. Allan.

Sidney P. Vail.

John M. Thompson.

Leon M. Billings.

Boatswain Elmer J. Cross to be a chief boatswain.
Boatswain John Weber, jr., to be a chief boatswain.
Gunner James H. Kane to be a chief gunner.
Pay Clerk Clarence C. Walling to be a chief pay clerk.
Carpenter George E. Mumma to be a chief carpenter.

POSTMASTERS

CALIFORNIA

Charles H. Quantock, Loma Linda.

GEORGIA

McCamle C. Gettys, Ellaville.
Fannie M. Vaughn, Ellaville.
Robert L. Callan, Norman Park.
Semora E. Brandon, St. Marys.

ILLINOIS

John T. Kelahan, Algonquin.
Glenn R. Adams, Carpentersville.
Robert F. Sexton, Kansas.
William C. Nulle, Union.
Arden S. Coryell, West Union.

IOWA

Millie Hoffman, Central City.

KANSAS

Neva F. Batterton, Preston.

KENTUCKY

Rebecca Green, Barbourville.
Leonard E. Daniel, Jeff.
Mary H. Buckler, Loretto.

MICHIGAN

Marie M. Baers, Walled Lake.

MISSISSIPPI

Fred Little, Greenwood.
Ada Duckworth, Mendenhall.
Tamora C. Epperson, Raymond.
Kate R. Latimer, Shaw.
William T. Pearce, Amory.
Mary B. Smith, Charleston.
Lillie B. Carr, Sumner.

NORTH CAROLINA

David J. Lewis, Rocky Point.

OHIO

Hattie L. Davison, Magnolia.

OKLAHOMA

Albert H. Williams, Loco.
Frederick W. Galer, Nowata.

OREGON

William A. Massingill, Lakeview.

PENNSYLVANIA

C. Maurice Hershey, Paradise.
Harry J. Burns, Soudersburg.

RHODE ISLAND

James T. Caswell, Narragansett.

VIRGINIA

Nellie C. Trevey, Big Island.
Virginia L. Harman, West Graham.

WEST VIRGINIA

Alvin L. Elkins, Blair.
Oscar E. Carlson, Dehue.

WISCONSIN

Ellsworth N. Harris, Mineral Point.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 2 (legislative day of February 26), 1925

I withdraw the nomination of the following-named officer which was submitted to the Senate February 26, 1925.

PROMOTION IN THE ARMY

Nomination for transfer to Infantry

Second Lieut. William John Renn, jr., Air Service, with rank from June 12, 1924. This officer's resignation was accepted February 28, 1925.

HOUSE OF REPRESENTATIVES

MONDAY, March 2, 1925

The House met at 10 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Spirit of God, continue Thy holy ministry in all our hearts. Surely Thou hast for us a great purpose and a great destiny. Oh, may we not confine our views of life within the coming and the going of a day, and thus be confused in troubled wonder, but may we be strong and glad by a great, immortal hope. To-day may we magnify Thy name with honor, with truth, with wise, conscientious service, and thus give praise to the message and mission of our Lord. We wonder why Thou dost care for us so much, and again thank Thee for Thy tender, overflowing love. Amen.

The Journals of the proceedings of Saturday, February 28, and Sunday, March 1, were read and approved.

RESIGNATIONS FROM COMMITTEES

The SPEAKER laid before the House the following communication:

FEBRUARY 27, 1925.

SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEAR MR. SPEAKER: I hereby resign my membership in the Committee on the Disposition of Useless Executive Papers, to take effect at once.

Very truly yours,

MERRILL MOORES.

The SPEAKER also laid before the House the following communication:

FEBRUARY 28, 1925.

To the SPEAKER, HOUSE OF REPRESENTATIVES:

I hereby tender my resignation as a member of the Public Buildings Commission, to take effect to-day.

Respectfully,

FRANK CLARK.

CONFERENCE REPORT ON DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. DAVIS of Minnesota. Mr. Speaker, I call up the conference report on the bill H. R. 12033, the District of Columbia appropriation bill.

Mr. BLANTON. Mr. Speaker, there are some very important matters in this report, and I make the point that there is no quorum present.

Mr. CRAMTON. Will the gentleman withhold that until I can call up the Interior Department appropriation bill and send it to conference?

Mr. BLANTON. I will withhold it.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I call up the Interior Department appropriation bill and ask unanimous consent to agree to the further conference asked for by the Senate and for the appointment of conferees.

The SPEAKER. The gentleman from Michigan calls up the conference report and asks unanimous consent to agree to the further conference asked for by the Senate on a bill which the Clerk will read by title.

The Clerk read the title, as follows:

A bill (H. R. 10020) making appropriations for the Interior Department for the fiscal year ending June 30, 1926, and for other purposes.

Mr. CRAMTON. I ask unanimous consent to agree to the conference asked for by the Senate.

The SPEAKER. Is there objection?

Mr. WINGO. Reserving the right to object, what are the real matters in controversy?

Mr. CRAMTON. The matters in controversy are the appropriation for the Kittitas, Vale, and Spanish Springs reclamation projects, and the amendment of the Senate increasing the salary of the Director of Reclamation, also the item with reference to the appropriation for Howard University.

Mr. WINGO. Those are reclamation projects, including the one where the House has an amendment requiring the State to do certain things which we discussed here the other day?

Mr. CRAMTON. Yes; the conference report adopted provided for certain language with reference to Kittitas and the Sun River, and similar language was adopted the other day with reference to the others.

Mr. WINGO. And that is in dispute?

Mr. CRAMTON. There is a dispute over that and over the salary of the Director of Reclamation.